

THE SAGEBRUSH REBELLION IN NEVADA

UNOHP Catalog #233

Interviewees: Marta Agee, Gloria Flora, Norm Glaser,
Marla Griswold, Wayne Hage, Helen
Chenoweth-Hage, Bill Kohlmoos,
Elwood Mose, Dean Rhoads, Marjorie
Sill, Susan Tixier, Cliff Young
Interviewed: 1998-2001
Published: 2016
Interviewer: Susan Imswiler
Volume Editor: Alicia Barber

Description

The now famous grassroots rebellion against Washington's control over vast stretches of western land, termed the Sagebrush Rebellion, was conceived in reaction to a series of federal laws issued in the late 1970s, thousands of miles away from those who would be impacted. As a state 86% owned and operated by the federal government—far more than any other state—Nevada was primed for opposition to federal control. These twelve oral history interviews with key players in Nevada's Sagebrush Rebellion were conducted between 1998 and 2001. Participants include ranchers, state legislators, federal government employees, activists, and tribal members.

This oral history collection may be downloaded and/or printed for personal reference and educational use, but not republished or sold. Requests for permission to use transcripts or recordings for commercial purposes should be directed to the Special Collections Department, University of Nevada, Reno Libraries, (775) 682-5665, specoll@unr.edu.

THE SAGEBRUSH REBELLION IN NEVADA

University of Nevada Oral History Program

All rights reserved. Published 2016.

Special Collections Department, University of Nevada, Reno Libraries

CONTENTS

Preface	iv
Introduction.....	v
Chronicler Biographies	vii
Chapter 1: Marta Agee.....	1
Chapter 2: Gloria Flora	30
Chapter 3: Norm Glaser	62
Chapter 4: Marla Griswold	76
Chapter 5: Wayne Hage.....	82
Chapter 6: Helen Chenoweth-Hage	109
Chapter 7: Bill Kohlmoos	117
Chapter 8: Elwood Mose	128
Chapter 9: Dean Rhoads	150
Chapter 10: Marjorie Sill	165
Chapter 11: Susan Tixier	180
Chapter 12: Cliff Young	191

PREFACE

The University of Nevada Oral History Program (UNOHP) was established in 1964 to record, preserve, and provide access to primary-source oral histories documenting aspects of the history and culture of Nevada and the Intermountain West.

In order to make the information presented accessible to a broad range of patrons, the collection's transcripts are lightly edited for readability. While taking great pains not to alter meaning in any way, the editor may have removed false starts, redundancies, and the "uhs," "ahs," and other noises with which speech is often liberally sprinkled; compressed some passages which, in unaltered form, misrepresent the chronicler's meaning; and relocated some material to place information in its intended context.

While we can vouch for the authenticity of the interviews in the UNOHP collection, we advise readers to keep in mind that these are remembered pasts, and we do not claim that the recollections are entirely free of error. It can be stated, however, that the transcripts accurately reflect the oral history recordings on which they were based. Accordingly, each transcript should be approached with the same prudence exercised when consulting government records, newspaper accounts, diaries, and other primary sources of historical information. All statements made here constitute the remembrance or opinions of the individuals who were interviewed, and not the opinions of the UNOHP or the University of Nevada, Reno.

This interview may be downloaded and/or printed for personal reference and educational use, but not republished or sold. Requests for permission to use transcripts or recordings for commercial purposes should be directed to the Special Collections Department, University of Nevada, Reno Libraries, (775) 682-5665, specoll@unr.edu.

INTRODUCTION

The now famous grassroots rebellion against Washington's control over vast stretches of western land was conceived in reaction to the passage of a series of federal laws issued thousands of miles away from those who would be impacted. The Federal Land Policy Management Act of 1976 suddenly declared that all public lands would remain in federal ownership and administration in perpetuity. The following year, the BLM proposed restrictive new mining rules which would hurt western state economies.

In response, participants in the September 1977 Western Conference of the Council of State Governments passed a resolution endorsing a coalition of western states and local governments. That fledgling coalition developed an issues paper the following year which included a proposal for remedial legislation. As a state 86% owned and operated by the federal government—far more than any other state—Nevada was primed for opposition to federal control. The BLM's 1979 decision to suspend its usual ten-year grazing leases in favor of year-to-year leases while writing 212 different Environmental Impact Statements was the tipping point.

During that year's session of the Nevada state legislature, State Senator Norm Glaser of the Northern Nevada Senatorial District and Assemblyman Dean Rhoads of Elko County's 33rd District carpooled back and forth to Carson City from their ranches in the northern reaches of Nevada—Cowboy Country, the brochures proclaim. Both cattlemen, one a Democrat and one a Republican, they lived daily with the results of increased federal intrusion into the lives of miners, ranchers, and timber men across the West. During their long drives, the two discussed possible strategies for dealing with the problem, and Nevada's Sagebrush Rebellion was born.

Driving back and forth through cattle and mining country that winter, Glaser and Rhoads worked out what one later termed a "gentlemen's agreement" that both would introduce identical Sagebrush Rebellion bills into their respective houses, and both would back whichever bill first made it out of committee. AB 413, decreeing that all unappropriated federal lands in Nevada would come under state control, passed into Nevada law that session, but has never been implemented due to unfavorable legal opinions and, at the time, a more approachable federal government. The 1980 election of self-proclaimed sagebrush rebel Ronald Reagan, Rhoads later observed, made the federal government more user-friendly, and blunted the momentum of the movement, although it continued to simmer.

During the 1983 legislative session, Norm Glaser's Committee on Natural Resources introduced SB 40, which managed to combine AB413's goal of local control with a shift from confrontational to cooperative approaches in administering Nevada's federal lands. Some began quietly working within the

language of SB 40 (NRS 321.7377), which directed that “The state land use planning agency shall prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the use of lands in Nevada which are under federal management.”

Others though, like Elko County’s Shovel Brigade, continued to fight on in the spirit of AB 413. Despite opposition from the Forest Service, and under the watchful eye of groups like the Sierra Club and Great Old Broads for Wilderness, the Shovel Brigade triumphantly repaired a flood-damaged county road that had become a symbol of the problems inherent in federal control of local land.

Confrontation proved costly to both sides, even as each professed suspicion and fear of the other. Marla Griswold resigned from the Shovel Brigade Board following threats from U.S. Attorney Kathryn Landreth to prosecute board members for any violation of federal environmental laws that might occur while the road was being reopened. Gloria Flora resigned in protest from the U.S. Forest Service, claiming harassment of Forest Service employees. Wayne Hage’s court victory in his 22-year-long takings case against two federal agencies came posthumously, and only after great personal cost to his family. In 2013, Federal District Court Judge Robert Jones ruled that the Forest Service and the Bureau of Land Management had all that time engaged in “a literal, intentional conspiracy to deprive the Hages not only of their permits but also their vested water rights. This behavior shocks the conscience of the Court and provides a sufficient basis for a finding of irreparable harm.”

Out of the many individual and group efforts to throw off federal control, three general movements had emerged from the Sagebrush Rebellion: the wise use movement, articulated by Cliff Young; the property rights movement, which found its main champions in Wayne Hage and Helen Chenoweth-Hage; and the county supremacy movement, which echoes down to today in Glaser’s SB40-mandated individual county public land use advisory committees. It is not surprising that the eventual approaches to the issue of federal lands in Nevada would prove to be as diverse as the individuals involved. These are their stories.

Susan Imswiler Agee
2013

About the Interviewer

Not quite a Nevada native, Susan Imswiler Agee moved to northern Nevada as a child, attending Sparks schools, and earning a Master’s in history from the University of Nevada, Reno. Her interest in the Spanish Springs ranching community was sparked by the realization that the ranches of her childhood were rapidly disappearing. This general interest quickly expanded to include water rights and the Sagebrush Rebellion. She now lives in southern Nevada where she teaches history at the community college level.

CHRONICLER BIOGRAPHIES

- Marta Agee Sparks native Marta Sanford Agee and her husband Dirk ranched in Elko County's remote O'Neil Basin for twenty-five years before moving their operation to Lincoln County in southern Nevada. She has been active in the Nevada Cattlemen's Association and Farm Bureau, has served on the Resource Advisory Council for the BLM, and is a former member of the State Board of Agriculture.
- Gloria Flora After twenty-two years in the U.S. Forest Service, Former Humboldt-Toiyabe National Forest supervisor Gloria Flora resigned in 2000 to protest supposed abuse of USFS employees in Elko County. Since then, she has worked as an environmental activist with numerous groups, including the Post Carbon Institute and Sustainable Obtainable Solutions.
- Norm Glaser Nevada State Senator Norm Glaser (D), representing the Northern Nevada Senatorial District of Elko, Eureka, Humboldt, and Lander counties, worked with State Assemblyman Dean Rhoads (R) on the identical bills that were introduced in both houses during the 1979 session. He sponsored the Greenbelt Amendment, which gave Nevada ranchers facing urban sprawl tax incentives to continue ranching. A supporter of the Jarbidge Shovel Brigade, Glaser died in 1999.
- Marla Griswold Marla Bois Griswold is a lifelong Elko county cattlegwoman. She has been active in numerous local boards, including the Shovel Brigade, and served on the Nevada State Environmental Commission. She took part in the Jarbidge controversy as a protestor for right to use the land.
- Wayne Hage Rancher Wayne Hage is best known for his running battle in the courts against the U.S. Forest Service and the BLM, and for his book, *Storm Over Rangelands*. Hage first filed a Fifth Amendment takings claim in 1991, which was finally resolved in 2010, four years after he died.

- Helen Chenoweth-Hage A former three-term Republican U.S. Congresswoman from Idaho and advocate of the “Property Rights movement,” Helen Chenoweth married rancher Wayne Hage in 1999 and took up the cause begun by Hage and his late wife Jean. Helen died in 2006, just months after Wayne’s death.
- Bill Kohlmoos Bill Kohlmoos has spent much of his life in Nevada as a geologist, mining company owner, and one-time cattle rancher. He co-founded the Turkey Vulture Society, and is a former vice-president of the Nevada Miners and Prospectors Association.
- Elwood Mose Politically active, Elwood Mose is one-time Executive Director of the Nevada Indian Commission, former vice-president of the Jarbidge Shovel Brigade, and tribal chairman of the Te-Moak Tribe (Western Shoshone). He is critical of the federal government for its treatment of Indians, and of Nevadans who want to use the public lands.
- Dean Rhoads Dean Rhoads is a longtime Nevada rancher, former state assemblyman, and former state senator, representing most of rural Nevada in the Northern Nevada District. Rhoads worked with State Senator Norm Glaser (D) on the identical bills that were introduced in both houses during the 1979 session.
- Marjorie Sill Marjorie Sill is a retired math teacher, conservationist, and member of the Sierra Club. She helped to establish Great Basin National Park and played a major role in obtaining Congressional designation of 14 wilderness areas in Nevada’s National Forests.
- Susan Tixier Environmental activist Susan Tixier founded Great Old Broads for Wilderness and People United for Parks, and has worked with the Southern Utah Wilderness Association and the Colorado Environmental Coalition. Tixier was one of the “Great Old Broads” who observed the July 4th Jarbidge road reopening for any potential illegal use of the public lands.
- Cliff Young Former Nevada state senator, U.S. congressman and Nevada Supreme Court Justice Cliff Young is a proponent of “Wise Use Movement.” In the state senate representing Washoe County during Sagebrush Rebellion session, Young worked to enlarge the Nevada system of state parks.

MARTA AGEE

Marta Sanford Agee: My name's Marta Sanford Agee. I was born June 16, 1941, here in Reno, at Washoe Medical Center. My family has been in the state of Nevada since the middle of the last century. When I was born my family was living in Reno on East Eighth Street, which is, I believe, now off the freeway. Then we lived a year or two on Hill Street. That house has long since been torn down. I started grammar school here living on Shadow Ranch, which would have been about 1947. I lived here at Shadow Ranch until I married, then moved with my husband to his ranch in northern Elko County, where we lived from 1962 until we bought property in Lincoln County in 1985.

In 1985, 1986, 1987, we operated the ranches back and forth, and then let the O'Neil property go in 1987 and moved permanently to Lincoln County, where we now live and ranch. We have expanded the Lincoln County property from strictly a livestock operation and have acquired agricultural land and now are producing alfalfa for the dairy cow market, with which we have hoped to achieve some economic diversity.

My husband and I have three living children. We lost one at the age of three. My oldest child is Sabrina Agee Watt, now married to Gerard Watt, an Australian sheep and cattle producer. She has two children: Janet Catherine, about age three, and Marcus Alexander, about six weeks old. My second child is Jace Patrick Agee, who's married to Ruth Elizabeth Hage. They have three children: Tyler Wayne Agee, age about six, Jacob Patrick Agee, age about five, and Katelyn Jean Agee, born this year in early April, so she would be what—six or seven months, because this is November. Our third child is Travis Sanford Agee, now living here on Shadow Ranch, who has not yet been married. We had a fourth child, Rachella Lisette Agee, who was lost to us at age three, and is inurned in O'Neil Basin.

Susan Imswiler: Your husband, Dirk Agee, is Horace Agee's grandson. Horace was a legislator from Elko County. What kinds of things have been passed down in the family about Horace and his life?



Marta Agee. *Photo courtesy of Marta Agee.*

Horace Agee died before I came in the family, but he is an individual that just vibrates through family anecdotal stories as a tremendous character. He was a large man. Most of the Agee men are very big men, very strong-willed. In fact, in his obituary the editor of one of the Elko papers talked about how he didn't always agree with Horace Agee, but if Horace Agee was in the room, you knew his opinion, and he was there defending what he thought to be right.

The family stories are positively delightful, of little anecdotal things that he has done, the threats on his life, the strong personality he had. Even in his last throes of death, the doctor said that the will to live in this man was one of the most incredible things that he had beheld. He was a fellow that was involved in his time and enjoyed the tapestry and era of his time. They went through great financial success, near total financial disaster, good recovery, fine reputation, threats on his life. They had at least two children who died in infancy. They had many children—four sons and two daughters—that did survive later in life.

At one time they had ranches from Ely clear to the Idaho border and properties in California. They bought property in southern California, and it was the only time his wife, Esther Tuttle Agee, ever became involved in business. At that time the wives didn't—they were interested, but they weren't very

involved with it. He came home and said he'd bought a property in southern California, and she said, "What are we going to do with any more property? We don't need it. Get rid of it." The property he had bought and sold was where the big oil fields in southern California were later discovered. [laughter] So, those are the stories that come and go in a family.

I was trying to think of some strong stories on Horace Agee. One of them was a threat of death, and the individual was to wait in ambush—Horace was delivering something by wagon, as I remember the story—and the individual was waiting in the rocks to shoot him. For some reason that particular day, in a break of normal routine, Horace had somebody else with him in the wagon. The assassin didn't want to kill the other individual, so he did not fire. It obviously wasn't a terribly professional attempted murder, because that evening the attempted assassin was talking about it in the bar, and Horace Agee was drinking at the end of the bar. With the courage built of liquor, the attempted assassin came down the bar with a pistol and was going to shoot him, whereupon Horace Agee grabbed the man by the nose and twisted his nose and made him put the pistol on the bar. [laughter]

In an era where we feel so suffocated by excessive government regulation, I particularly like this story. If you'll remember, in early Nevada wherever there were mining camps, when the mines played out there were buildings, and buildings were moved all over. They are still being moved all over. But he bought a building, a two-story building from a mine that had closed way north of Wells, Nevada. He was having it moved to Wells to put on some lots he had there, and he was expecting the building. The lots that he was going to put it on were two city blocks from the railroad. But the building had not arrived. So, he went to see what happened, and the trucker had been stopped on the north side of the railroad tracks.

By this time Horace Agee was an elderly man with a cane, and as long as you have a cane, you might as well make good use of it. So Horace Agee hobbled across the tracks with his cane to see what the situation was, and here were the railroad officials saying that they would not be allowed to cross the tracks, whereupon Granddad Agee conferred with the trucker. He took him aside, and he said, "You get in that truck. You get it fired up and ready to roll, and when I give you the sign, you move it!"

He went and talked to the railroad people, and they were saying he couldn't move it, whereupon he took his cane, signaled to the driver, who revved it up, crossed the tracks, and went home, and the issue was done with by then. [laughter]

He liked a project. They said when he was very elderly they were building a building—roofing. They had the rafters across, and they were up working on the rafters. All of a sudden, they heard this funny sound, and Horace Agee was up walking across the rafters with his cane. He came up to inspect what the crew was doing and give advice that perhaps he didn't agree with what they were doing, but he was using his cane to walk across the rafters.

Do you have any stories about the Agee and O'Neil skirmishes down through the years?

As I understand it, as there are in so many of those lengthy things, there's almost two different stories, and when you hear both sides, you can't recognize the issue. I had been told that the O'Neils felt that Horace Agee practically stole O'Neil from them. But O'Neil was in bankruptcy for a couple years before it had been acquired, so I have a tough time seeing that time line. I can't even remember where I saw it, how that could be. But financial hard times are, unfortunately, a recurring theme in Nevada agriculture. In fact, if you want a good history, you might try, *Cattle in the Cold Desert* by Young at the university. [*Cattle in the Cold Desert*: James A. Young, B. Abbott Sparks. Logan: Utah State University Press, c1985] He has some excellent things about the early cattle industry.

As near as we can tell, the first Agees came to the United States from France via the lowlands through England. They were French Huguenots, and if you'll remember your French history, under the Edict of Nantes some of the French Protestants were allowed to maintain their religion. In the late 1600s, whichever King Louis is in that period repealed the Edict of Nantes and was forcing the French Huguenots to return to the Catholic faith. As I understand the Agee family history, they refused that, and every attempt by the French crown was made to force people back into the church. He threatened their property; he threatened everything. The ultimate thing was the French families of the Protestants had to allow French troops to live in their homes without any restrictions. With the repeal of the Edict of Nantes, the Agees left northwestern France and went to the lowlands.

Meanwhile, in the British Isles, the monarchy there had died out or left the throne. Anyhow, there was conflict for the throne, for the English crown. There was the Scottish Catholic king making a bid for the crown, and there were the British Protestants seeking a new royal line to take over their throne. At this time they appealed to William and Mary of Orange, which are from the lowlands, to take the throne, and an army was gathered to put William and Mary of Orange on the throne of England.

In that invading army was the Agee ancestor. It was the right time to be in the invading army, because the Scottish Catholic king retreated, and as I understand it, no shots were fired in the ascendancy of William and Mary of Orange to the English crown. But because of their participation in being in the army, the Agee family was given 800 acres in Virginia, and I'm trying to remember the location. It was Manakin in central Virginia, is my understanding. So, that put the Agee family in Virginia in the 1690s.

When you go through the family genealogy, they had huge families: anywhere from fourteen to seventeen kids. It's interesting when you see and calculate the ages that these women bore their children from. In one instance, one woman I think had either fourteen or seventeen children. She started as a teenage bride, and as I remember the math—it's been a number of years, so this may not be entirely accurate—but her last child was born when she was either in very late forties or early fifties. You can see it: a child every year, then a child every other year, then a few at the larger gaps.

The Agee family history is really kind of fun, because it reflects American history so well. As these large families grew and land was taken up, there was no place for the younger generation, and you can see their progression west. At first they only move a few miles, which would have been a very big move in that time. Then they move into Tennessee, and then they move a little farther. Eventually they end up in Valley, Nebraska. Horace Agee evidently had a relative that had crossed—I'm assuming in gold time, but I may not be accurate—anyhow, that had gone to the West Coast and returned to Kansas. It would be interesting to find that, because he traveled also with a Mormon wagon train. He was not Mormon, but the Mormons did take people to travel with them.

It would be great fun to go back into the early diaries, because I understand the records of who were on those early wagon trains were quite complete in the Mormon archives. Although I'm not LDS faith, the Mormon archives are a triumph of history and what was done in that era. Their records are tremendous. So that would be one way we could trace some more Agee history. Anyhow, Horace Agee did come to Elko County, I believe, probably in the 1890s. [He was born in 1872.] I think you have it written here, but suffice it to say, when he arrived he settled, worked, was a teamster, a freighter in the Wells area, and he met his future wife, who was already living in the Wells area. She was Etta Tuttle, and she was born of a second marriage of a mother who had been widowed before. The widowed mother had moved to Wells to join her brothers, who were already in Wells. We believe they came during the Civil War. As near as I can remember it, I think Sarah Steele Tuttle came just after the railroad came, but she already had relatives settled there, so I assume that her trip was by rail instead of by covered wagon.

The story there is always kind of fun, because it is so much like a B-grade movie. The scene is the widowed mother with a small parcel, and the dastardly neighbor is stealing the water. She has a teenage daughter. The neighbors are taking the water flow, so the mother appeals to the young man to come and protect the water, and he marries the daughter of the woman he's come to help protect. The agreement was made that he could use that original parcel to acquire other lands, and the agreement was that regardless what happened, he always provided a home for her. That was the seed, the kernel, that provided the property to go on and acquire other ranches. That ranch was in Clover Valley. He acquired ranches in Star Valley, then in O'Neil, and they also had ranches down out of Ely, in the Steptoe area.

Supposedly the house, a three-story house on the little Steptoe ranch, was interesting because in that era the third floor you built for a ballroom so that you could entertain. Supposedly that house had a ballroom that had a parquet floor that was shipped in a roll and was rolled out on the floor of the house. Unfortunately, that land has since been bought and sold by a rancher that I know well in Ely by the name of Bill Davidson, but he told me that the house was lost a long time ago.

The Ely end of the property was lost financially in the 1930s, and this is one of these stories where you talk to different sides of the family, you get different stories. The one side of the family—the cattle operation and the side of the family that almost lost everything during the 1930s—feels that is was their management and the sheep that almost lost everything. The side of the family that was running the White Pine end, the Steptoe end of it, they believed that their end was sacrificed to save the cattle operation in O'Neil. There's probably truth in both sides. Financial disasters like the Great Depression were extremely difficult on Nevada families, because they also had had tough times already in the 1920s.

The first ranch in O'Neil that was owned by Horace Agee was the Sun Creek Ranch, which is now in the late 1990s part of Bell Brand Ranches. Then he sold it to acquire the Helsley Ranch, which was the farthest north of the ranches, and that was Horace Agee acquiring it. I'm not sure exactly when, but it was before he acquired the other property from the O'Neil brothers. First he re-acquired the Helsley property that was then owned by Lester Agee, and Dirk and I bought it in the early 1970s. We called it the Wilson Creek Ranch, and it is up on the Wilson Creek. It is since out of the family, since we left O'Neil in 1987.

Back to the acquisition pattern for Horace Agee, he acquired the Home Ranch, the Cottonwood, and Twin Meadows. I believe those all came through the O'Neil properties, but I'm not positive. In the 1950s they acquired the Vineyard and the Bell Brand ranches from the dissolution of the old UCC [Utah Construction Company] ranches that went from Wells, Nevada, clear to Twin Falls. What they did is they acquired the Vineyard and the Hubbard.

Something that has surprised me a great deal, because of course, I was here on the Shadow Ranch being raised, is in *Cattle in the Cold Desert* they trace a lot of the history. Sparks was, of course, named for Governor Sparks, who was a rancher, and he had property here and in Elko County, parts of which might have included the Vineyard and the Hubbard. So this trail of families going back and forth from Sparks to Elko County is something that has been going on for 150 years, which intrigued me, because I had not been aware of it.

My husband and I, now in Lincoln County, are raising alfalfa. In knowing and trying to understand the products that we raise, I had assumed that alfalfa was a relatively modern crop, but in *Cattle in the Cold Desert* it tells that it was brought into this country and called "Chile clover," and it came from South America, the country of Chile, probably from Asia. It came to the state of Nevada in the middle of the 1800s. It's a very old crop, and was being raised on the Vineyard in a very early era, as

referenced in the *Cold Desert*. But the reason why the thought of this alfalfa intrigues me so much is the alfalfa came from South America and Chile.

Our family also has a tie there in that I was an exchange student to Chile in the early 1960s, and so I was gathering information. My mother, who was raised in Vallejo, California, always told of her uncle, the French bachelor, that lived in Valparaíso, Chile, and would come and visit here in the family. Well, when I went to South America and stayed on an exchange program in Chile, I stayed with a family by the name of Fuentes, and they had two young daughters. Two years after she [Olga Fuentes] came here, she married my husband's brother. So, we have this total tie of the migration of people, from the alfalfa coming here in the 1800s, the uncle coming up the coast where the shipping trails were, the way that products came around the Horn and into California.

Just to make another tie, something you were talking about earlier, when I went to South America, a local family here asked me to go see their family, the Joe Gandolfo family. They also had the tie to Chile. When Joe Gandolfo's grandparents left Italy during the turmoil of the Italian migrations in Italy, there were six kids. Three went to South America, to Argentina, and eventually settled in the Valparaíso area of Chile. The other three came here and settled in Sparks, but the elder generation never saw each other again. The South Americans came here, but I don't know if any of the American Gandolfos went south.

When I went down, the Gandolfos wanted me to go meet their family, which I did. I was a sophomore at the university, and I spoke very limited Spanish and no Italian. Italian was still their family language. When I arrived to visit them for a day or two, they were in the middle of a First Communion celebration, which was a huge party and dance and feast in the Italian style with about 120 family members—and me. They entertained me great; we danced and partied the night away. They didn't speak much English; I didn't have Italian; I had a little bit of Spanish, and it made no difference. We had a grand time, and I came back with pictures of the Gandolfos for the family.

Since then, I know that there has been the Gandolfo family here a time or two from Chile, but they keep missing them. They haven't had a chance to see them. So, this trail of migration, of family ties—my degree is in history, so I'm interested in how this all ties together.

I'd like to address the common misconception that in Nevada a ranch is a large contiguous area, when in fact it tends to be small areas that are laid claim around water holes; a series of small holdings surrounded by federal land.

The land ownership pattern in Nevada is really very interesting. If you think of the Humboldt River, the rail system across northern Nevada, and Interstate Highway 80, that is checkerboard lands. It means every other section was given to the railroad, and the alternate sections were kept in the ownership of the federal government. This was an intentional incentive to get the railroads to build into the West. It worked very well, but it is now almost a management headache.

The early settlers in northern Nevada quite often homesteaded lands in meadows and areas that could be irrigated. These usually fall on the bottom lands along the rivers. Then, to control the range lands, which they felt there was no need to own, and were reluctant to own because of the cost, and felt there was going to be no competition for them . . .

Also remember that we were a state created by mining, and we had to be certain that we allowed miners access to the ores. If it went into private property it didn't do that. So what they did is we created a marvelous system called "multiple use" that allowed mining to go where it needed to be, where the ore

was, and we allowed the grazing to continue. Now, it wasn't really called "multiple use" until the middle of this century, but in practicality, what it amounted to is many uses on the same land, that could be economically viable.

These water holes on the different forties were actually homesteaded, and they were purchased to control the water. If you didn't have the water, other itinerant herds could go through and take the forage you considered to be your own. Then, under Nevada law, the forage was tied to the water also. There is another form of grazing rights in the state of Nevada, but before I explain that I want to finish that the private lands that produced hay were used to determine your range rights, because under the system of commensurability the land you own had to provide enough forage for winter months in the form of hay for the cattle you had on the public land. By doing this they were creating balanced, financially viable operations. You couldn't tie up more land—more grazing land—than what you could provide your cattle for in the winter. That's called commensurability in the sense that you had to have the winter crop.

Now in southern Nevada, there was a different system: water-based grazing rights. That was the whole expanse of southern Nevada in the drier areas south of Highway 50. These two systems blend in different parts of the state. But when you get into Nye and Lincoln County, where we are, the principal means of acquiring the forage rights was to develop water. For example, in Penoyer [also known as Sand Springs Valley in western Lincoln County] there are eleven wells, one natural spring on the valley floor—a very surprising location for a water source—and then a small intermittent stream that hardly enters the valley, but part of it has been piped into the valley. The range rights were established by the drilling of the wells, the improvements of the springs. That is called a water-base ranch. Those are between the checkerboard lands, the homesteading of the grazing bottoms; the tying of commensurability. You have this complex pattern of how ranches are bought and sold, and those are the rights that we buy and sell.

Can you explain the differences between the class A, class B, and class C designation for ranching operations?

Well, I'm not sure if I would use those terms and how accepted they are. I think you're just talking about small, medium and large. In my mind I think of a small ranch running—and this is strictly my interpretation, not others—I think of a small ranch being less than 400 head, a mid-size ranch being from 400 to 1200 head, and larger ranches in the largest numbers. Now that's mine, not other people's interpretation. It probably varies somewhat from person to person. Many people feel today that it almost takes 800 head of cattle to support a family.

You mentioned briefly the kind of ranching operation you're running now. You began with cattle, and you expanded into alfalfa.

What our situation was, in the 1980s there was a great deal of upheaval in the ranching industry and collapse of price, et cetera. Our operating costs were getting very high in Elko County. We were in high snow area and needed an allotment that we could range our cattle on outside during the winter to cheapen our operating cost, so we wouldn't have the haying. Then we could run more cattle to help disburse the cost better.

So, we went and found this place in Lincoln County that was strictly an allotment. It had just the wells that I described earlier. It had no private property that was livable. There was a forty-acre [parcel] around the spring in the bottom and forty acres up the canyon where the pipeline originates, but there

were no buildings, and there were just crude corrals, but no homes, no real homestead. But that suited us, because we took a mobile home that we had purchased for employees to live in, in the O'Neil Basin at Twin Meadows Ranch, and we put it down there, and we intended to winter our cattle in Lincoln County and return to the better summer grasses in Elko County.

When we did it, it really did cheapen our operation, and my husband said, "Well, if things really get bad, we'll retreat to the desert." But we did not count on the tremendous impact of ranch values that were collapsed in the mid-1980s by a change in real estate laws and tax laws. It lost the market of ranches, and pretty well jerked the value collateral out from underneath many of us. We had to, essentially, let those ranches go, because we could no longer manage the debt there. So we retreated to Lincoln County, and we lived for eight years down there in the trailer that we had purchased for our hired help in Elko County. That was 1987 that we moved down there.

In 1990, after the death of my mother, we sold the pieces of part of the capital that came from Shadow Ranch, and acquired some acreage down there. They were Desert Land Entries in the valley we're in, which gave us a private land base, and we had a partner. We bought very cheaply one piece of one what we call center pivot, which is 160 acres. A partner of ours bought the other 160 acres, and we made arrangements with him to manage his property while we improved ours. Then, there was another 240 acres in the valley, and a gentleman wanted to leave. It was all in alfalfa production and wheel lines. He had sold it to someone else who had been unable to carry on, and the property was close to losing its alfalfa production, so we made arrangements to buy that 240 acres, and then we did some swaps and now we have the equivalent of four 160 acres.

The land shape is a little irregular, but we have four pivots, about 500 acres, in alfalfa production now, which was really an attempt to be somewhat diversified, but then the last ten years there's been so much drought in Lincoln County that we would have been completely bankrupt if we had not gone into the alfalfa. We had expected the alfalfa to be a little diversification and, perhaps, twenty percent of our income. Over the last couple of years the income from the alfalfa has been almost three quarters of our income, and debt was raising on the cattle.

Then in 1997, they had the equivalent of a hundred-year drought. It was the point where we'd had drought off and on during the early 1990s, but then we had a drought where there was no winter moisture to the point that the spring grasses didn't even come green. Almost all of the cattle in Lincoln County had to be shipped out of the county. Because the drought was so widespread we could not find suitable pasture that we could afford, so we sold the cattle, and now we're working under a different operation. So 1997 was a disaster for us due to drought, because there was not enough winter moisture to even bring the grasses to grow, so we sold those cattle.

The interesting thing — 1998 has been a disaster because we've had so much rain we have not been able to get our crops out of the field. A lot of it has been diminished in value, because of too much rain. You find yourself thinking, "This is incredible!" Drought creates disaster one year, and if we'd have had the rains we had this year back in the summer in 1997, we would have been able to save the livestock. So now, we go full circle. [laughter] It makes you wonder why anybody bothers to try to feed this nation. The risk element is so extreme.

Then, the sad part about it is if you're forced by drought, you have a compounding factor of a terrible tax liability.

How so?

When you sell cattle that you've taken thirty years to raise, it gets hit by capital gains, which is a huge hit. So, you pay the debt off, but now you still have to figure out how to meet the other obligation, which will be difficult for us to remove. The tax implications for agriculture are devastating. If we wish to see ranch families continue, we are going to have to see a reduction in capital gains and a reduction in estate taxes, because these ranches cannot survive the ups and downs that weather gives us with an unpredictable market *and* the heavy tax burden. They're going to have to find some way to adjust so that families can continue. Otherwise there's no reason for them to continue. We wonder right now if our children should be in agriculture.

How did the 1985 dairy buy-out affect the beef cattle operations?

It was a disaster for us, because what it in effect did, when we went through the transition of going from the hay operation and buying the desert thing, we had expanded our herd to something like 1600 or 1800 cows. Then we took the calves to California to winter on grasses there.

When you do a transition, you have a fragile year. We felt that if we could get by that first year, we would be all right. We knew it was going to be tricky, and in late March of that year with all the 1600 calves in California we could see the light at the end of the tunnel.

On about April 1, or early April, they announced a dairy cow buy-out. What the government decided to do, instead of buying out to reduce the number of dairy cows over an orderly two or three years, government said, "No; we'll just flood them to the market." They flooded all these dairy cows and made the announcement and sale of this by April 1, which totally collapsed the beef market, and by the end of May we knew we'd no longer be able to handle, or be able to save the O'Neil end of the operation.

It's very difficult when you see your government . . . I mean, we can handle the other market and all, but that irresponsible marketing of the dairy cows collapsed the market right when we were at our most vulnerable point. It's very discouraging when you see government policy so devastating, because what they did, instead of spreading the marketing of these cattle over a number of years, so that everybody in the livestock industry . . . Most people forget that a great amount of our hamburger comes from the dairy industry. They are very much an integral part of our livestock industry and our pricing. But when you flood that many dairy cows onto the market, you collapse the available source. If they had done that in an orderly fashion, they would not have bankrupted people.

So there was a tremendous impact throughout the entire ranching community?

Yes; not only us. About a third of the ranches in Nevada went out of business during that era. So you have the triple combination of the loss of buyers, because of the collapse of the incentives in the real estate—that was a congressional move. Then you have the government move on the dairy cow buy-out. Then you have the normal ups and downs in the market. The problem is in ranching you have to be allowed to make some money some good years so that you can survive the bad years. But with our tax structure we're not allowing any of the accumulation of assets and the reduction of debt that is necessary to allow a business to carry on through the generations.

You're raising dairy alfalfa now. What's the connection between the quality of the alfalfa and the milk production in the dairy cattle?

Cattle are very adaptable, but because we have refined dairy cattle so much they need and can use a lot of various products. The dairy cows today might be eating hominy from the southern Mississippi River system states, and might be getting cottonseed from Texas or California or Arizona; they might be getting almond hulls from the orchards of central California, but due to the ruminant digestive system of the cow, they still need some alfalfa. With the variety of diet, if they have some top quality dairy alfalfa, then they can mix a whole variety of other grains and milo and corns. It's a whole science in itself, of what cattle can consume, particularly the dairy cow, to get the huge production that we now have the capacity to do. So, if we can maintain the top dairy-quality hay, that is a special . . . we cannot produce enough of that very best hay in the West to meet the need, so that is what sells at a premium.

But the disaster in the economies in Asia right now has also affected us. What has happened is we have had alfalfa that we sell to the dairy, the very best quality. Then there is a notch down that can be used for horse hay or go into pellets. A huge amount of alfalfa was being shipped, particularly to Japan, but also to other areas. The Asian countries don't have the land mass to produce a lot of the agriculture. In Japan, a man can make a living raising beef cattle with four or five head of cows. He goes to the hay market each day and selects a bale of hay that has been compressed and shipped from the United States, and he selects it like the American housewife selects lettuce for the salad for the day. He takes this compressed bale back to his herd, and in the very fanciest Japanese beef they work with massage and everything to tenderize their beef. But a pound of that Japanese high-quality beef runs thirty-five or forty dollars a pound.

But back to the current situation in how this trickles back. The Asian economies that are now in total collapse have not been able to buy the alfalfa that was going to them. For example, in the West, only three percent of the alfalfa was going overseas, but in some Nevada communities, for example Diamond Valley, almost all of their hay in 1997 went overseas, so that export market was lost.

Then we had the exceptional rain of this year. If hay in the field is rained on before it's in the bale it loses the special qualities that are needed for dairy. So, with the Asian market in place, the second rank of value and quality of hay was available to go overseas. Say you had marketed your dairy-quality hay for \$110. Then, you had some hay that was of lesser quality. Last year you probably could have sold it for . . . in my example of top quality, \$110, you probably could have sold the lesser-quality hay, say, at \$100, and then you'd probably have some, a little bit, for \$90. Well, with the loss of the Asian buying, top-quality hay this year went for \$110 to \$122 a ton. Lesser quality is fifty dollars behind. That's almost a fifty percent loss in the value of your lesser-quality hay, which is a devastating blow to your economy. Most people don't realize that the Asian economies are reaching clear into the isolated areas of Nevada.

How does the quality of the hay affect the individual cow's milk output?

I think top production dairy is the scope of your question there. What it amounts to is when they give these other feeds, they still need this top-quality alfalfa, so that the digestion of the cow is correct, and without it their production falls way off. I do remember one dairy that when our hay was done everything the best we could, he had given an incentive to his employees. I'm trying to remember. He told them if they would come up to sixty-six pounds of production, he would send each couple that worked on the dairy to Hawaii for a vacation. The crew just was doing very well, and they were using our particular hay to increase their production, and their goal was sixty-six. I called and he said they had their production at sixty-four, and he said his crew was so excited, because they felt they could get their

production to sixty-six, and they'd all win their trips to Hawaii. I called in a few days, and I said, "Did they get their production?"

He said, "They went all the way to seventy pounds, but I had to back off from the top-quality hay." But he said, "They achieved their goal." That was with the combination of the very best alfalfa and the other feeds.

What do you suppose is the biggest misconception that people have about ranching?

Oh, my. I could come with lots on that. I think the biggest criticism that is used as a weapon politically against us is the image of the wealthy rancher, the image of the absentee owner, the big corporate rancher. Most of the ranches in the state of Nevada are owned by families who work their own land and do a majority of their own work. Now, some of those ranches have been incorporated. The corporation was created to meet the needs of the family ranch, because many of these ranches will have four generations on them at the same time, from the grandparents to people in their prime in their forties and fifties, to the generation in school or just starting families, and the children, the infants, there. That requires a special financial structure to provide for all of those generations and to provide continuity, so corporations usually have been created to do that.

In Elko County, I know many ranch families that are incorporated for that reason, but they get the black eye of being a corporate rancher. Then, as in any industry, there are some wealthy out-of-state people that have come in, and they have chosen the lifestyle to raise their children, but they are still working their land themselves.

A couple years ago in the political upheaval, they talked about two ranchers that had extensive holdings in the state of Nevada. One gentleman supposedly came—and this is rumor—but he bought up in the high twenties of ranches. So, he had a lot of money somewhere. He had grant land that had been subdivided in the Sacramento area. I think he went as high as twenty-three to twenty-seven ranches in Nevada. Rumor had it that he supposedly came with fifty million dollars of cash.

He was used in Congress to give the image of *this* is the Nevada rancher. It was very interesting when they spoke on the floors of Congress. They used this man and how wealthy he was, et cetera, but when he went bankrupt a few years later after having lost his fifty million in less than fifteen years, it has not been in the press at all. There has not been any counteraction to recognize that times must have been pretty tough, if you can manage to lose fifty million in fifteen years.

The other thing is, for example, in my case my degree is in history, and I have a teaching certificate. If I'd have taken the small bit of capital that we combined with my husband's family, and we just put it in the bank, we'd be far better off today if we just lived on my teaching salary and let that capital grow. That's a sad comment for people who have worked the land and worked their livestock all their lives, to think that they would have been better off if they'd not put in the seven days a week and not taken—there's the absence of how our first seventeen years we were married, we never had a meal at our table that we didn't have hired men with us. Then, when you cook for a ranch crew, they are there Christmas Eve; they are there Christmas morning; there is no time for a family discussion at a meal without the men from the bunkhouse. Now, many of these men were vital to you. But that also doesn't give you the opportunity . . . you can't leave on a vacation—you have a crew. When your friends come, you don't have a conversation without the crew being there. If you wish to delay dinner for an hour or two and have cocktails before dinner, the crew is angry. It's a whole different way of life when you're on the cattle and hay operations that we had in O'Neil.

Then you had time when you were snowed in for two months of the year, where you didn't expect to leave. Dirk's uncle lived in O'Neil Basin for twenty-seven years, and he asked the county to open the road one time, because his eighty-year-old mother was there, and they had run out of stove oil. He was taking stove oil up by horseback to keep his mother warm, and he asked the county to come in and remove the snow.

Then, when my husband was going to school up at the Wilson Creek Ranch, he was in the seventh and eighth grade in one of the harshest winters we had. It took him a full day of horseback to ride nine miles. When spring came they knew that the snow was receding because they tripped on the wires that went from one house to the other house. The snowdrifts were over the power lines. Part of my husband's job as the seventh and eighth grader in this bad winter was to go literally to dig the school teacher out, because the way the winds blew that winter, they would blow the snowdrift down onto her and close the door to the school. So he'd dig her out, and then she ate with the family. That winter there were the five cousins of Dirk, Dirk and his brother, and another cousin. There were eight kids in the two-bedroom house, plus the hired men, plus the school teacher—snowed in.

In fact, Dirk's aunt gave the kids some skis to play with, and they were skiing off the top of the buildings, and Dirk's aunt broke both arms skiing off the building. The mailman would drop the mail each week, and she knew the mailman would be in, in two days, so she just stayed at the ranch with two broken arms until the mailman came in, and the mailman flew her out. She said it was a little bit embarrassing. They radioed in that there was this emergency flight. She got there, and of course, she hadn't been able to use her arms. They were dashing her to the hospital and said, "When did this happen?" She said, "Two days ago." [laughter]

They couldn't understand it, but she said she was very fortunate. She said she has a very high threshold of pain; she was able to bear it. She said it was not unreasonable pain, because pain has not ever been the problem for her, but she did wonder what would happen if she hadn't been blessed with a high tolerance for pain.

Tell me about the history of the Sanford family in Fallon, and how you are related to J. M. Sanford, who was the first member of your family in Nevada.

My father is H.D.—Harold David "Pat" Sanford. [Pat was his nickname.] His parents were Elisha Sanford and Ida Mapes. My great-grandparents were James Marion Sanford and Nancy Ann Whitney Sanford. James and Nancy were the first into the Fallon area. My sister and I remember two different dates. I've always thought that they arrived in the 1850s into Fallon. My sister thought they were the early 1860s, but that's within a decade of the arrival then.

On my grandmother's side, my grandmother, who married my grandfather Elisha, was Ida Mapes. Her family was from a valley between Reno and Susanville. She used to talk about riding to the dances, taking the light shoes and riding so far to the dances. It's interesting because the same story is from my husband's side of the family where his grandmother would put her shoes in the saddlebag and then ride over the Rubies from Clover Valley to Ruby Valley for a dance. My grandmother said the same thing.

My grandmother, Ida Mapes, graduated from the University of Nevada somewhere in the early 1890s. I'm not exactly sure of the date, but as a teenager, she christened a steamboat that used to traverse back and forth across Honey Lake between here and Susanville. Of course, today there's not much in the lake, which is probably a combination of a little climatic change, a little different use of the water, or

maybe undue optimism by a steamship company. They might have had a whole series of terrible winters, because so many of these valley floors quite often have a dry lake, and then all of a sudden, they'll have quite a bit more. So, it could be a combination of all those things. I don't know what the weather pattern was then.

My grandmother, Ida, stayed as a school teacher, and she married, I believe, right at the turn of the century. I want to say 1900; my daughter has a lot of those dates. Actually, I should be having you interview Sabrina. She has all the dates and things, but unfortunately, it would be a little complicated. [laughter]

Do you know much about the Stillwater Hotel? How long that was in the family?

Actually, I don't know too much about it. I do remember them saying that one winter they mainly had flour to live on. Another story is they had some terrible floods and were getting worried about the fact that they were on the second floors. So many times today people forget the floods that are under control much better today, and people take it for granted. I mean, they're real surprised if they get a flood like we had here a year or two ago. But those were annual occurrences.

Did what was left of the hotel burn down roughly thirty years ago?

I'm not sure. Sonya knew when it was burned down. Sonya, having lived in the Fallon area, had the opportunity to get there.

Did it remain in the family all that time, or was it sold earlier?

I don't know. I know that my father, having been born in Winnemucca, implies that his parents were not in Fallon. I don't know if it was somebody else in the family. There is a story that is not very pleasant about a daughter of Nancy Ann's not being very fair with her siblings and threatening her ill mother that if she [the ill mother] didn't sign the property to her [the daughter], the mother wouldn't get the care she needed. Now, those are the kind of stories that fifty or sixty years later, you want to take with a grain of salt. It may or may not actually have been true, but that was the story, that the daughter inherited everything on the threat of not taking care of her mother.

Now, some woman in the family—and I don't know which one it is—had a delightful story. Evidently, she wasn't very pleasant from time to time and was very big into kicking people that she didn't particularly agree with. In the night, she got mad at somebody in a dream, and she gave them a big swift kick. The way the bedroom was arranged, right next to her bed was a brick chimney, and in her dream she kicked so hard she broke her foot. All that thought that she was a little unkind kind of thought she had it coming. I don't know whether it was Nancy or the daughter; actually, it sounds like it ought to go with the daughter that wouldn't take care of her mother, but that may not be true. [laughter]

Your parents bought the Shadow Ranch in 1947. Did they move in from Fallon into Reno at that time?

No. My father and my mother both were University of Nevada graduates, and my father and his brother and a cousin had, I think, a rather unique relationship that I did not know about until just a few years ago. They valued an education. After all, their mother had a college degree, and they both were

particularly good at math, both my uncle and my father. They decided they needed to go to school, but it would have been late 1920s, early 1930s, and they couldn't afford to do it. So the three young men, my father, Harold David Pat Sanford, and his older brother, Les Sanford, and their cousin, Whit Harmon—if you notice, that's Whitney Harmon from the family name down there—made the agreement that two of them would get jobs and one would go to the university. The two working would support the one at the university. Then, when the first one got out of the university, that one had to finance the other two.

The most academic of the three of them, I believe, was my uncle Les, and he luckily drew the straw. He was also the older, so it was appropriate for him to go to school. So, he went to school, and then, the story gets a little murky, because the way I was told it from one of the Harmons was that they all participated. My dad also got his degree, but Whit never did. I said to the son of Whit when he told me the story of this arrangement, "Well, did Whit ever get full compensation? After all, he didn't go on to school." He commented with a big warm smile, "Many, many times over. Many times over."

As I left I got to thinking about stories that you don't know what they mean when you're a child. I can remember my dad saying to my uncle or one to the other, "Whit wants us to come down and look at an investment he wants to buy. I think we better go take a look and see if it's good for him." Then a year or so later, Whit had a motel that he was operating. Then, a few years later Whit and his wife were in Winnemucca by that time. I don't know the transition. They had a donut shop in a building, then after they closed the Spudnut shop, they took the building and made it into a lovely home.

I don't know what the relationship is, but I remember my dad and my uncle talking about some financial arrangements that had to be taken care of with Whit. Now, I'm making a large jump in faith, but it looks like that's how they managed to compensate him. As they did better in business and became successful businessmen, they recognized the obligation back to Whit. So, it was well taken care of, but I particularly like the concept. Today everybody says, "What does government do?" But here these people solved it by, "Okay; one of us will work and the other two will go on." Now I should also add that my father told me that when he started, it took him quite a few years to get to the university. I can't remember how many; five, six, seven, somewhere in that range. I asked him one time about it, and he said, "Well, to tell you the truth, I had enough money to get my education, but during the first year, through diligent care and management of my affairs, I had such a great time, I spent it all and had to go back to work for another year or two before I could go on to school." [laughter]

His degree was in one of the engineering fields, and I believe it was civil engineering, because of surveying and bridges and that type of thing. I'm assuming it was civil engineering. My dad used to always say of my Uncle Les, that if he had lived somewhere else, he could have been a professional baseball player.

My dad was smaller than my uncle and was a really good horseback rider. Many years later, when I was attending the university, I was taking a tennis class, and the coach's name was Jake. He was there for thirty years.

Lawlor?

I don't know. By this time he was a very round, big man, and he taught tennis. It might have been; I don't know. Jake, I know, anyhow. His rule for beginning tennis players was any student that could beat him got an A. Of course, he was very rotund, but he could still get around. Just in the course of the conversation, I was chatting with him, and he asked me who my dad was, and he kind of blinked. He said, "I remember your dad very well. I consider your dad one of the finest natural

athletes I ever had.” He’d never been trained in the other sports, but he considered him one of the finest natural athletes that had not been developed that he ever had. So, who knows, thirty-five years later.

They had a *joie de vivre* that we fail to appreciate today. For example, my uncle, John Sanford, just a few years before he died, was telling me stories about my dad and about how they all liked to go to rodeos. Rodeos at that time were of local people and local hands; it was a community affair. I mean, they weren’t the professionals or anything, but he said that they liked to go to the rodeos. They easily would go and have a good time, and they always pooled their money so they’d get home sometime. He said if they got really short of money, they’d all put money on my dad and enter him in something. He said he didn’t always win the event, but he’d usually get them enough money to get home. [laughter]

So, your parents were already in town, and they bought the ranch in 1947.

Oh, I lost the trail of my thought there. I’m sorry. I got to telling you stories that I thought were good, because I hadn’t even thought about them. My parents were engaged for many years. My dad was out of the university and working in Las Vegas. I can’t be precise what the job might have been there. He worked in Las Vegas; he worked in Moapa; he worked for the CCC camps [Civilian Conservation Corps].

My mom had been engaged to him for a long time, and she was at her family home in Vallejo, California. She went to see him, and she said, “Look, we get married now, or I’m going home and find somebody else.” So, they went to the justice of the peace. They got married, and my mom used to say the only thing he had when they got married was a sack of dirty clothes. “Dirty socks” is the way she used to put it. Somewhere in the family there is a woodcut of their first home, which was a tent. This was during the height of the Depression, and if you remember the CCC camps, this was a fascinating Depression era compensation.

The CCC camps were not delinquent kids at all. They were kids from the industrial cities of the northeast, where there was positively no work. What they did in a stroke of genius, if you ask me, is they took these young men—teenagers—brought them West. Then, they hired local men who had known how to do hard physical work, to train them or oversee them. Both my father and my husband’s father and a number of uncles all had these CCC positions. What it did, is it provided work for the young men, but the young men didn’t get much of the money. I believe I was told that 80 percent of the money went back into the inner city areas to their families. So what they did is they took these young men that could turn violent, that had no way to turn, gave them a family commitment, sent them West. The families in the inner cities now had just a little bit of cash, and the young men were able to participate in worthwhile projects.

People today around Reno, most of them do not realize how they benefitted from the CCC camps. For example, Manzanita Lake, Virginia Lake. There are lakes in Elko County that people now assume were natural lakes that were really made by the CCC camps. The CCC boys made the access that made the Twin Meadows Ranch, that we spoke about earlier, only forty miles from the pavement, instead of seventy-five. I mean, there are projects all over.

Just recently on the news somebody was commenting, for these gangs and things in the inner city we ought to have a CCC program. I was quite insulted by that, because we must recognize that those young men were men caught in the 1930s by severe financial and economic collapse of some of the business structures, which is quite a different thing than the juvenile delinquent that just refuses to recognize any authority.

One of the CCC boys in an interview I saw at one time—remember they had come through terrible times—said his first day in the CCC camp they passed a platter of pork chops, and they could have all the meat they wanted, and he said he couldn't remember when his family could last afford meat. He said what a luxury it was to have meat. I can just see this teenager with a natural ravenous appetite.

Anyhow, when my parents were married in Las Vegas, he worked on Mt. Charleston for a while; we have a letter from the 1930s. He was in Moapa. Then he took the SCS [Soil Conservation Service] job in Lincoln County, where we now live fifty years later, and he decided we'll have flood control in Lincoln County. My sister was born when my parents lived in Lincoln County. My brother was born—he is six years older than I am—while they were living in Clark County.

My uncle was going into business with the financial backing of Isbell Construction with Caterpillar Equipment, and Les called his brother—my father—up, and they were in the business altogether, Sanford Tractor, the two of them. That's really where they became such successful business people. Years later, my dad instructed me, "You must remember what we have today. We have a large debt to the fact that the Isbell family backed them, when they needed financial backing.

Actually, I feel rather guilty about that. The last Isbell that I knew, about a year ago I thought I must call and see how she's doing, and I did not get to Reno. I got to Reno about six months later, and my sister told me that she had passed away about the time I was thinking of her. I felt badly that the six-hour trip got in the way of an obligation I should have done. But I did see her about eight years ago, and she was doing quite well. She did not have any children, so I don't know any of the remaining Isbells.

This area around the Shadow Ranch had some fairly extensive wetlands at the time that you were here, is that correct?

Well, they were irrigated fields when I moved here, and my sister might have a clearer sense, but these fields, when they were irrigated, were very boggy, and the wildlife benefitted tremendously. The wildlife used the fields, and it was, I think, a very sensible arrangement. I'm very concerned that we're drifting into a nonsensical position where we think we should separate these things. Wildlife and agriculture should be able to blend quite well if we plan it properly and approach it correctly.

For example, between here and Fallon, in this mad rush to, quote, "be more efficient with our water," some of the finest wildlife areas have been dried up. There used to be tremendous little ponds and seeps and marshes between here and Fallon, and the beauty of it, you could see them right from the road. The wildlife got so used to the cars going by, you could really see them. So, what do we do? We create a wetland that people can't get to. It doesn't make sense. If we want people to appreciate wildlife, they must see it. Sometimes in our zeal, we destroy something that we'd have been better off to have kept. That's kind of my concern.

When my family left Lincoln County to work up here, we lived, I think we mentioned, on East Eighth Street, and we lived on Hill Street, and then we bought Shadow Ranch in 1947. But due to your work, I hadn't realized that there'd been so many previous owners. I was thinking the other night, I guess, we've had it fifty-one years in this family, which is quite a bit longer than the average that we were working on with less than twenty on all the others. Sad, but housing is to the point where we probably can't do anything with it now, but probably have to let it go, and gee, you hate the thought of having to do that.

You said in a Sparks Tribune article — it was an interview about ten years ago — that your dad used the ranch to teach you standards. How did he do that?

Well, to be perfectly honest, as a child, I thought we were ranchers. We were raised thinking that we were cattle people, and we, as a family, did most of the work. My dad did keep one hired man to do the irrigating and that kind of thing, but all the branding and moving cattle and working cattle, we did on weekends. We thought, really, that that's what we did. He bought the place, both for an investment, and as a family. In fact, when we were still living on Hill Street, my mother told me that she finally told him, "Look." He'd been doing well in business by this time, and she said, "All right. When we married you used to always say that you wanted a ranch. This family needs it. It's time for you to go find it." That's when he bought Shadow Ranch, because he was only half an hour, twenty minutes, to his business.

My father in that era was like many people. He would sell pieces of machinery to people on a handshake, and also the financing. If somebody couldn't meet an obligation, they'd get together and say, "Well, OK. You can't pay me in cash. What have you got we can swap?"

My sister and I can remember we had a large spot up here behind the barn; we'd go up and here would be two or three loads of poles. Well, we didn't really need those poles, but the guy that owed the debt had some poles, or he'd go out and cut the poles, and dad would say, "Yes, I'll take the poles in exchange." This was a norm in business.

Well, can you imagine in today's world, going to your bank and saying, "Oh, I've got a whole bunch of culverts that you might use," or "How about a load of hay?" or "How about this horse?"

Or my dad would say, "Well, OK. You don't owe me much, but I need a horse for the kids." That would be the kind of exchange that made society work, and besides, it was a pleasant way to do business, because you left people with a means for their compensation without destroying them, because after all, if a man has bought a piece of machinery to do a job, and then you take the machinery, then you've cut him from his income.

What can you tell me about the history of the Shadow Ranch?

We've covered a lot of it, I think. In fact, I think you probably know the early history better than I do. I always thought of it mainly as part of the old Trosi Ranch. As I understand it, the Trosis had gathered in a number of small parcels from previous owners, and the Trosis, then, sold it to Monaei Lindley.

Monaei Lindley was a divorcée from the East. You remember how Reno was the divorce headquarters. Monaei, evidently, was a very petite, gorgeous, dark-haired woman that was divorcing a very wealthy man in the East. She came, bought this property, built the home, built the barns, the buildings, had a large stable area, and had a complete horse-breaking situation. She liked Arabians.

This lovely home was built for her. The upstairs was built in an interesting 1930s style. There's a very small bedroom that shares a common bath with a nice large bedroom that's done in knotty pine in a very masculine sense. The floor was blue and white with inlaid linoleum with the mariner's symbol of the compass and the light fixture was the nautical wheel on the ship, all done very nautical. But what it was the small bedroom was for the nanny, someone to care for the child. That's two of the four bedrooms upstairs. The other two rooms upstairs are kind of unusual in that they're both very large, but it was for a master suite. One was to be the gentleman's room, and the other was to be the lady-of-the-house's room, and then they shared a common dressing closet, because the one room doesn't even have any closet in it.

That's because they have the dressing room to put things in. There is another bedroom downstairs that was for live-in help, and all the upstairs rooms have a buzzer system.

What is now the kitchen has been since redesigned. There was a real big commercial stove here. But there was a little box up there that looked like it had children's blocks in it. When the buzzer came, you could push that up, and the that block was electrically tied to that room would fall, and it would tell you room one, two, three, or four, so that the staff would know where to go upstairs to.

So, in the 1930s it was designed to be a wealthy woman's home. Now, she had quite a bit more property. My parents bought about 200 acres. It's a fraction less than that. She kept property across the road, and when we moved in she'd already built the home across the road. This was being kind of set up to be a dude ranch, but it was just in the process. I don't know when she built that home. The home across there was bought by the people who own Gazin's; I'm trying to think of their name. Anyhow, it was a large pink house with a swimming pool. It was the only home out here—these two. Then the Dugans had the property here next to us.

I've gotten different opinions from different people. You said this was in the process of being set up as a dude ranch. A divorce ranch? Do you know anything about that?

Well, it's my impression that it was. The reason why I think there were paying guests in the house sometime, is because there was a pay phone in the hall. Now, I don't know if that's a good enough clue, however, Norman Lindley is still alive.

Yes; I've talked to him. He said it was never run as a guest ranch, dude ranch.

Oh, well then, he probably . . . he's older than I am. It might be that they were just setting it up, because the reason we all thought it was going to be set up is because they had started the rock for the terrace, and it was all rocked in, but the rock was just there. We were told that that was where they intended to put slot machines. Now, those are assumptions made; the stories could be wrong, but that's the best that I know.

Those are pretty good clues. I've heard there's a bullet hole down near the front door. Do you know the story behind that?

Oh, yes. There were a couple of them. Mrs. Lindley had at least six or seven husbands. As a young woman, a young divorcée here, the parties must have been quite the parties, because the story always went that . . . remember, this is a lovely young woman with dark hair, and she raised Arabian horses. She had a white Arabian stud—or stallion—amazing how terms can change. I do mean stallion. There's double doors; the front door with a large entry hall. Then, there's double doors through a galleria out onto the patio. The story always went that she came to a costume party as Lady Godiva—in full Lady Godiva attire—and rode the stud—the stallion—right through, in the front door and out the other side.

That must have been quite a party.

Quite a party. But changing subjects, back to the question of the bullet holes, when we acquired the home there were a number of the balustrades missing. Now, if you remember, when you have a

banister down a set of stairs . . . you come out the master suite, then there's kind of a landing. Then, you come down a half flight of stairs, and there's another landing, and then they turn completely back, and they go back towards the center of the house.

The banister is supported by small circular things called ballustrades. I might not have the term right, but I'm talking about the uprights that hold the banister. Many of them were missing, and we were told that at some raucous, drunken party the game was to see who could kick them out.

But supposedly, as the story goes, the one night Monaei . . . I think it was a husband that she was throwing out. She grabbed a gun and was firing shots at him and came down the first stairs. One shot went low, and is through the door and into the closet. Have you seen it?

No.

I'll show you. Then, evidently, she came farther down, and the next shot went over his head, and it was through the very top of the door and out into the patio. I can show you where the trajectory was, but she must have missed him, because I never heard anything more than that. But taking shots at people high and low is a bit risky. [laughter]

There are lots of stories about my father that—I have people thirty-five years later that are telling me how much they enjoyed him and how much fun he was. He was a true people person. In that era they liked to play every card game. They get together and bet on this or bet at that, and for example, as a multiple-purpose reason a lot of the 4-H kids always had calves in their sales, so it was good business and an opportunity to help people. My dad and my uncle used to always bid on the 4-H calves, and they took it upon themselves and a couple friends to make sure that the neediest kids got a good price. It was a thing that really irked my dad. He said it's not really fair to go and buy and dominate the show by buying the best stock because you can afford it. He liked to be sure that different kids got things.

I can remember they would buy ten or twenty steers, and it was baby beef; it was the finest eating. Then he would use it to help people, but also, it was good advertising. I mean, these were the children of his customers—and his friends. But I can remember sitting with him in the auction things, and he and his brother kind of scattered, and they kind of knew who they wanted to bid on, I assume, but this young man came through, and my dad was talking to somebody. He said, "I don't know this kid. Who is he? What's his story?"

Somebody that was with him said, "Well . . ." The young man was in his teens, and his mother had been widowed, and the boy was trying to go to school and provide for his mother and also still be a young person. I can remember my dad mumbling he didn't know that, and just as he went to bid, the auctioneer closed the bidding.

The critter sold for way too low, and I can remember how indignant my father was. And damn! Here was a young man that needed to be run up a little bit (get a higher price for his critter). He was highly indignant over that, because he didn't know about the young man, and he said, "Now, this is the kind of young fellow that really needs . . ."

A lot of that 4-H . . . those critters were often a way to bankroll the kids to go to college. That was college money, and you have to understand that sometimes those calves brought six, seven, eight times what they would have been on the normal market. But it was just a community way of doing it, and then, my father did it. When there was more meat than we could use, then he would sell that meat back to his employees at regular meat prices, and it was kind of a good perk to his employees, too.

But I can remember them—my dad and my uncle—thinking that somebody wasn't getting paid enough for their 4-H calf and raising their own bid. Well, seeing that they were both buying for their own company, it was not very logical to raise your own bid, but that's "what the kid needed" kind of thing, you know.

Who were some of the other people in the ranching community around here that you knew?

Oh, well, we knew them all. Let's see, Dugans across the street, or to the east of us, D'Andreas to the southeast, Figoni, Parlanti. I can't remember who was this way . . . the Gasparis, Curtis, Olsens, Capurros, Nicholsons. Of course, the Nichols that lived over here, just down the road here, my father and Albert Nichols were friends, and the Nichols ancestors in Fallon were friends, and the ladies were mid-wives together.

Albert Nichols's daughter, Jean, and I were preschool friends and grammar school friends and high-school friends and went to the university together. Then in 1988, my son married their daughter, so we shared our grandchildren. That was a particularly big loss when she died a couple years ago, because to share our grandchildren together was such fun. It's a real loss when you lose a friend like that.

Yes, it is. I saw a Christmas program from the North Truckee School Community Center. It's from 1956.

Oh, good heavens!

It listed you as the master of ceremonies.

Oh, probably. We all worked at it together, yes. The North Truckee schoolhouse was a delight. In fact, it's a tragedy that somebody didn't organize and save it. It was a traditional little square building, as lots of schools had the same floor plan. It was a rock foundation. Girls' door and boys' door coming down to the center; girls' entrance had a cloakroom; boys' room had a cloakroom. Then a single, big room, then a kitchen and a lean-to off the back, and then a back door to go out, because they had stables, because the kids rode to school. When we'd get to dancing at one of the meetings at the Truckee School, the whole building would just go up. [pounding on the table: thump, thump, thump, thump] I mean, you could just visually feel it bouncing.

It's a tragedy that it didn't get saved. Two people gave the property for the school, and it was a classic location: North Truckee Lane swooped right up to the school, and the school kind of set at the rise at the end, in irrigated fields, and the Olsens had the fields to the west, and the Rivers family had the field to the east, but the classic location to come right up the hill to the school was lovely.

You say two people gave the land; was it Olsen and Van Meter?

I don't know. I don't believe it was Olsen. I think it was pre-Olsen, because they had to go back a long ways. I mean, the gift was before them. But I honestly don't know that.

Was the old school the center of the Sparks community at the time?

Not Sparks; North Truckee. Sparks was a little different. This was a local school. I'm not sure if you're familiar with how we now have our school system, where the taxes are a base set from the legislature out to all the communities, a base. It varies somewhere else. Before that was established, there was a North Truckee School District that my father was heavily involved with. In fact, I can remember the plans being built up to build a school here in the school district, and my dad studied it extensively and just decided it didn't make sense to take on that kind of liability for the community. I'm not sure in my own mind; I think after that is when the legislature finally recognized a different system of school-system funding.

Let's turn to the political side of things. You were ranching in Elko County during the 1970s, during the first rumblings of the Sagebrush Rebellion. What do you remember about the origins of the movement, some of the original players, like Norm Glaser and Dean Rhoads?

Well, see, I don't view the Sagebrush Rebellion as starting then. As far as I'm concerned, it is a recurring issue that has really evolved from the very time of the settlement of the West, because people established certain rights, and then, to correct ills, we created other—we have a whole legislative history of water rights and grazing rights and et cetera. During the 1930s we had two competitive forms of ranching livestock industry. We had itinerant herds, and then we had local-based people in communities. There was no way to stop the itinerant herds.

There were not private allotments, so say rancher A and rancher B had C, D, E, and F. Say there were five or ten ranchers in the area. There was no way to allow the country the rest that it needed to allow the plants to restore themselves. So, in the political upheaval, what they did is they outlawed the itinerant herds. The open public commons was stopped. You had to have an established legal tie to get onto the public lands to graze, and they tied the system to make permanent communities. So, you had to have investment in land and water to be in the area.

The original concept was the federal government would have one or two employees in a large area and three to five men could handle this system for the entire state of Nevada. As those agencies grew larger and larger, they started wanting to recognize less and less of the previously established rights.

The Sagebrush Rebellion was really a reaction to say, "Wait a minute. You are failing to recognize the rights we already have." It's the classic case of the new era doesn't know what the previous era has done. So the Sagebrush Rebellion was a, "Whoa! We have too much federal intrusion." Instead of the two or three men to handle Lincoln County, we're now at eighty men in the office, and now we're at 230 men to the office.

Now the claim is, "Well, grazing is not paying for the administration of the land." Well, grazing wasn't intended to provide for 250 people in the office. It was intended to pay for two or three. As we allowed recreation and all of these other uses, they all demand their own staff, a lot of that is being tossed back onto the shoulders of the livestock industry, which makes it very easy to say we're not providing for our own administration.

But for example, if a medium-size rancher is paying \$20,000 a year for grazing fees, and remember, this is not to be for forage, but for the grazing fees. It's supposed to be an administrative fee. You see a BLM employee twice a year and recognize that if you've seen him twice a year he has more time in the office that he's actually doing administration, but say, you give him a week. Still, that's pretty good compensation.

So the Sagebrush Rebellion is a recognition of things getting out of balance in our balance of power. I honestly think that part of the reason things went a little astray, I believe that we really upset the balance of power between our states and our federal government when we went to popular election of senators, because we lost the commitment of the United States Senate to the legislatures in each state. When the senators had an obligation to the legislature, the balance of power came back to the states, and it was kept appropriately. In the early part of this century they dropped it. Now, that's my own concept. I haven't read anybody complaining about that recently. But I'm very concerned.

Everybody says, "How did we let this federal government get so out of control?" Well, as soon as you had a professional politician that moved to Washington D.C., and he was no longer beholden to anybody in the state or state power, then all of a sudden, you got the balance of power out of whack.

The other thing that happened is, I think, we lost a lot of the authority by default. We thought the problems were solved. Everybody got kind of busy. In the early history everybody was involved with their government. You had to be, because there weren't enough people. Then, it got to be, "Well, somebody else will do it," and pretty soon the county was doing it. Then, pretty soon the federal government started to do it, and the counties lost a lot of their resources, and then they couldn't compete. Now, all of a sudden, we have this enormous federal government. County government has practically no funding, and there's no available funding left for them. I mean, let's face it, most citizenry is pretty well tapped out. We have property taxes committed to everything. We have income tax committed. We have a pretty heavy sales tax.

So, how do we get this balance of power back in balance? To me, that all ties back. The Sagebrush Rebellion is an attempt to put things back in better balance. I never think of them as rebels in the sense that other people do, because, to me, it was a recognition of something gone astray, and it will recur again and again. It laid low for a while, and then it came back in the late 1980s, or, I guess, really the early 1990s—the new county movement. That's just a new form, perhaps a more sophisticated and appropriate form, to get things back in balance.

Do you remember many of the activities? Were there meetings around Elko County in the 1970s, or was this sort of a two-man operation? What was happening?

Oh, it was just a pervasive sense throughout everyone who knew and had property and was active in the community that things were out of balance. You really didn't have to meet to know that something was wrong. Then things balanced out for a few years. I guess they were better during the 1980s. Then in the 1990s, early 1990s, we had the county movement, which was, again, a very similar thing.

You mentioned the Forest Service a few minutes ago. The Forest Service position is that during the 1960s they were too generous in handing out AUMs, that science has changed since then, and that the range hasn't regenerated the way it was expected to. What do you think of their assessment?

I think that does not reflect the true intention of the Forest Service. The United States Forest Service in 1998 wants no commercial use of the natural resources. In my opinion, that's where they're headed. They have practically eliminated grazing; they are very unfriendly to mining: they're attempting to close down all access roads. They're diminishing the public's ability to use it, either for their local economy or for hunting or for recreation. Yet, to the public today, just recently, the Secretary of Agriculture Glickman, at a large group, announced that the principal use of the national forests of the

American West should be for recreation. However, at the same time they are closing access roads. To my way of thinking, those two things deny each other. And there either is hypocrisy, insincerity, or misrepresentation, because if people are going to recreate, they have to be able to get there.

You made the comment that they over-allocated the AUMs. What they really want is to move from having any industry to total wildlife and no use by people. Well, they can't really announce that that's what they wish to do. But they can do it by subterfuge, and say, "Oh, well, there just isn't enough ground." But I can tell you of mountain ranges where one year there was declared there was not enough grass for cattle. The cattle were forced to be removed, and the next year they moved in far more elk. It's a transparent attempt to seize something that somebody owned and had had for generations or had bought out predecessors and changed the use.

To my way of thinking, it's very disingenuous, in fact, almost—oh, what term could you use? Corrupt; illegal; frightening that government can decide they don't like the previous user, strip him of his assets, and then allocate it to something else. So, by saying they over-allocated it, they really mean that they just want to allocate it to something else. And somehow or another, it's very easy for government today to say, "Oops! We didn't mean to put in the irrigation projects. We didn't mean to have livestock. We didn't mean to have mining. We wanted to do something else."

They can take the assets of people in agriculture without compensation. They would not think of going into a city and taking the houses around a park that they wish to enlarge without paying them. But in the last twenty-five years agriculture's assets have been relentlessly seized without compensation. The means to do it is very complicated. What they have done is they have created non-profit—supposedly—groups, and the federal government funds them through various foundations. Then, they create lawsuits to force the government, supposedly, to do something that the government wants to do. But if the government, through the left hand, has been financing them, then they come in, and in some cases, they'll just harass somebody so they finally give up just to sell their property, get rid of the product, or, as in the Truckee River Settlement, just announce that water that the people in Fallon bought at the turn of the century is no longer theirs, so give it to someone else.

Now, the natural transition of water rights to meet the market place is appropriate, because there are some things you're not going to—I don't know if agriculture can be saved in some of these regions. But I do know an honorable government would not be doing it the way they are. I know of people that would have been treated better in eastern European countries, than how we have people being treated here now. That's very upsetting to me.

I want to tell you how far this has gone; let me tell you a story. I would assume that the average employee in the United States Forest Service is a decent, honorable person, and for the most part not involved in corruption. The average employees would be decent, honorable people. However, the perspective of the agency has gone astray.

If you know much about history in this century, there have been whole decades when whole populations have convinced themselves of something that they believe to be right, and fifteen years later they think, "How did we get there?" They almost won't admit they got in that mindset.

I think that's what's happening in the United States Forest Service today. Let me describe my story to you. Here is the scene: A high official that has been active in the United States Forest Service in the state of Nevada is retiring. At his retirement party he had many accolades, and people are telling stories of his great accomplishments. Somebody stands up and says, "We have him to thank for the fact that he has reduced AUMs on the national forest by a hundred thousand AUMs." And all the Forest Service employees applauded. They were very proud of this; this was an accomplishment. Now, back

away. Remember, these are honest people, but recognize that they just applauded the fact that this man took between three million and ten million dollars worth of assets of Nevada ranching families, and they don't even see it that way. They have gotten themselves in the mindset that, "Oh, we shouldn't have given it to them," or "It was over allocated." But nevertheless, the intent is to take the AUMs away without compensation.

Eastern European countries compensated some of their people when their lands were seized, and yet we're not. To me it is very upsetting that the applause was there, the accolades. It chills me to the bone that they didn't recognize that they had taken—they wouldn't take money from my purse. They wouldn't have gone in and seized their neighbor's house for the homeless, or they wouldn't have seized the other neighbor's house and made it into a day care center without compensation. Yet they feel perfectly justified in doing it to the assets of the families in agriculture. I think that's frightening right now. How far will this go?

The AUMs are Animal Unit Month; it's the amount of grass the cow will eat in a month.

Yes; they vary between the Forest Service and the BLM, but for the purposes of this interview, that's about what it is. It's how we measure grazing. That's why I tried to give it to you in dollar form, between three million and ten million, and be conservative. An AUM today runs about thirty dollars to ninety dollars. However, in some areas it will go as high as \$140 or \$160 if the AUMs available are in a particularly tight season.

For example, in southern Idaho a lot of farmers ship their cattle to BLM allotments that are available in the summer, but they have a short time in the spring that they don't have a place to put their cattle, so the spring AUMs are a higher value, and they vary depending on the quality of the forage, the distance to water, and it's very complicated.

But the AUMs go along with the ranch. They're considered part of the ranch, and they are collateralized?

Oh, yes. Yes.

So, if you lose AUMs, what does that mean to the overall value of the ranch?

Oh, it diminishes it considerably. In fact, it may actually make it inoperable, because if you were depending on—say in this discussion your Forest Service permit went from June, July, and August. Those are the very best times in the high mountains. They're useless in the winter. You can't use those AUMs at another time of the year. They might be under five feet of snow. When you can use your meadows in northern Elko Count—and in most of the northern parts—the cattle are out on the public lands during the hot summer, spring, and fall, and the winter feed comes from the meadows. But that doesn't always hold true. You get another part of the state, and some of those are on the BLM during the winter, and they're in the irrigated meadows in the summer. So, you just have to know each region, because it varies to what the terrain and the topography and the climate demanded. We go from 500 feet in the Las Vegas area to ranges at 6,000-7,000 feet in the north, so that the system . . . That's the beauty of it; it adapted so well.

Overall, the effect for a rancher, if he loses AUMs in a takings case, is the value of his ranch goes down?

Or, maybe, completely irreparably. It may make it totally unusable.

Have you been personally affected by U.S. Forest Service withdrawal of AUMs or challenges to water rights?

We sold our forest permits in 1987, so we have not had Forest Service permits for eleven years. However, I know of a family that lives to the northwest of us that got nothing for their Forest Service permit. They are an elderly family and were unable to ride and even gather some of their cattle, and they lost not only the permit, but because they were too elderly to gather some of the cattle, just left them. Eventually, other people just went in and gathered the cattle, as after a certain age, if they're unbranded, they become the property of whoever can seize them.

Have you had any problems with the wilderness area or wilderness study area designations or the Fish and Wildlife Service?

Yes; yes to both wilderness and to Fish and Wildlife Service, not to me personally, but I'm aware of the problems. The problems run a little bit like this. The wilderness study areas were quite often very badly gerrymandered. Under the official designation, they were to be unmarked by man. What they did is quite often, quite connivingly, choose to ignore access in roads that were already in there by just redefining what a road was. Say people had been using this road every fall or spring to move their cattle in and out. If you just decide, I don't see that road, then you pretend it's not there, and you can declare it roadless. Through the wilderness process there were a lot of areas that were declared suitable for wilderness and a lot that were declared unsuitable. Well, those unsuitable areas are still being managed as wilderness, and some of the wilderness guarantees, where some were going to allow grazing, and some were not, some of those have not held out well.

For example, this is moving to the Park Service, but when the Great Basin National Park was created, in the enabling legislation they were required to maintain grazing, excepting the Park Service doesn't understand grazing, so it has been very difficult for those people who have permits in the park. In fact, some of them would just like to be out. But see, that's also very convenient. If you're required to have permittees, and you don't want them, just bungle the management so much, until they finally give up. That's disingenuous; that's not the kind of government we want.

What are some examples that you've seen of legislation or bureaucratic mandates that were out of sync with the natural balance of ranching?

To me, right today, the worst example is by regulation two years ago; the current administration is denying us things that were guaranteed by law. We increasingly see the tendency of the agencies that cannot get legislation passed . . . and the secretary of the Interior has blatantly and boldly announced this: "Congress hasn't given me what I want, so I'll just go do it anyhow." That makes us a nation of whims and not of laws. To be specific, under the Taylor Grazing Act, which is the controlling legislation for most of the grazing in the West, ranchers were given the right to make improvements and own them if they contributed the entire cost of the improvement. Example, down in our area, if my husband and I wanted to go drill a well and put in some troughs and put in a pipeline and generally improve, we could own that improvement, if we put in all of the improvement.

Now, there is a second way you can do the same improvements, and that's called cooperative agreement. By that means, sometimes the government would put up part of, maybe the materials or part of the dollars, and the rancher could put up his labor and his men and his equipment. So we had a two-fold system of how to create improvements. But the ownership of the improvement in the most basic sense was in proportion to what the rancher contributed, which is just plain common sense and good fair play.

This administration wrote regulations saying they will not allow that anymore. We were always told, since 1994, that we'd be able to own those previous improvements. Now I'm hearing rumblings that if you maintain your improvements at all, ownership will transfer to the government. So, what you see is that these improvements are the things that ranchers buy and sell between each other. That's how the asset has a value. But the very foundation of how the rancher's rights are under attack and are being changed is by regulation. For example, earlier we talked about commensurability. By regulation, the requirements for commensurability are being changed. So, the legal underpinnings of the livestock industry in the West are being crumbled or gnawed away by regulation, and I think that is a very poor way for any—well, if I was a supporter of livestock or against livestock I would be frightened to see my government taking that approach. If they can take the assets of agriculture, they can take anybody's assets.

You're fairly close to the Nevada test site, true?

Not fairly close; we share a common fence line. That's as close as you can get. [laughter]

Has your proximity to the bombing range affected you at all in your work?

No, no. In fact, when there was still secret testing going on—now, you understand that we didn't acquire that ranch until 1985, so we were well into the era when there was only the underground testing. When they would have a test scheduled, they wouldn't admit to it, but because they had to provide for evacuation . . . and you have to understand that south of the test site is Las Vegas. They liked the winds to be blowing right over our valley when they had a shot, because we have the least population of anyone. But they had to provide for evacuation, so they'd have wind-testing machinery and all kinds of equipment in the valley to test it. Then the day before, they'd come knock at the door and they'd say, "How many people will be in the house tomorrow morning at eight o'clock? Where would they be?"

I'd have to say, "Well, my husband will be fifteen miles that way in the valley, and maybe moving cows this way, and my son might be over here, and there might be somebody in the alfalfa fields." They'd duly write all this down, and they had radio contact when the testing was done. Then the shot would be fired, and if there wasn't any atmospheric release, then they didn't have to evacuate, but they were all ready. So, we always knew when the secret testing was going to be. In fact, we used to always laugh and say, "Don't hire any cowboys with a Russian accent." [laughter]

You are involved with quite a number of boards and committees. What is the general focus of your political activities?

Basic public land use, and whether or not the American public can use the natural resources. Are we going to make the American West a sacred land that nobody can use, or are we going to both protect it and use it rationally? I think that a nation is a lot like a family. A family feeds itself first. In the poor areas

of the world, food is the primary thing. Then, you provide clothing. Then, you have shelter. And then, as you get a better society, you add education, and you add infrastructure, and nice homes beyond thatch roofs and that type of thing. But food is the thing you must have, even before you have anything else, and a nation must recognize its food supply and its food source.

Unfortunately, today in the United States there are less than two percent of the people feeding the whole nation. That makes us very vulnerable to whims and misinformation. For one thing, there are certain movements today that have annual budgets of almost \$500,000,000 [five hundred million], and they can so flood the American public with misinformation that there's no way where a percent and a half of the people can get accurate information out to people. So, in everyone doing their littlest thing, I can, when need arise, participate in certain things.

I have been appointed by our United States Senator to the United States Department of Agriculture Farm Service State Committee; the allocations and incentives and improvements for private lands is what that body does. Then, I sit on the Lincoln County Public Lands Commission and we, in essence, advise the county commission and study different approaches and what's really going on. It is a real eye opener when you have the opportunity to see all the tendrils that are coming from the federal government. I've always had Bureau of Land Management range permits. I used to know how the Forest Service worked. But I had no concept of how many other agencies are creeping into the Nevada counties, and pretty soon, we are going to be so totally governed by somebody that we cannot remove by the ballot box, that we cease to become a government responding to local people.

In addition to the public lands, I'm on the executive committee for the Nevada Cattlemen's [Association], and still active in the Nevada Farm Bureau, but not as active as I was a few years ago. I was on their state board of directors for seven years. Then with the Bureau of Land Management, I sit on the Southern Nevada Mojave Resource Advisory Council, which advises the state director of the Bureau of Land Management. Then just recently, I had a gubernatorial appointment to the Nevada State Lands Advisory Committee. That is an advisory committee that speaks to the governor and the governor's office and the governor's representative—one from each count—on planning.

Down in my county, where we have less than two percent of the land in private ownership, how do we provide for the local citizenry with that kind of an ownership pattern? So we in that county have combined public land planning for the county in the same office with private land planning. However, they have separate commissions.

But all of this dovetails back to how do people in rural communities maintain an economy, provide for a nation, and what system of government do we have? The frightening thing to me is the concept that Washington should direct all. The very essence of what made our prosperity was we had people in local areas adapting to local things to create a system that works.

Our multiple use works in Nevada, because we were a mining state. We had to have our multiple use to provide our food, and it provided very well for the recreation and the environmental concerns that we have today. It's a tremendous system, but it's under assault by people who don't really understand Nevada's climate, Nevada's economic system, and it's very disturbing to see, as I mentioned earlier, what was supposed to be small land management agencies now having huge parking lots of buildings and their own police force. They now feel that they don't want to use local police; they want their own police to protect their people. Well, what are we coming to when representatives of the United States of America's government now feel that they have to have special forces to protect them? What are they doing that makes them afraid of the local citizenry?

We talked a little while ago about the Forest Service agencies and their concept and not realizing what they're doing. But anybody in a federal agency that is now engaging in activities that make them afraid of the local citizenry, that should set off very deep warning bells that we're not going in a sensible direction.

Then we have other groups that believe that half of the state of Nevada should have no human contact on it in the future, that all the people should be crowded into small areas, and the rest should be left for nature. That smacks of the enclosure era of England, where the peasantry were driven off the land, and their homes were burned and they were left to starve. The fables of Robin Hood providing for the poor, the aristocracy of England having lands to play on while people starved, and riding their hounds through the wheat while people couldn't feed their families; is that where we're moving? It sounds that way.

Now, the people who are advocating this, the everyday people who send ten dollars to the Sierra Club or to Earth First or something or other are not seeing it that way. But when you see where they're headed, when you read what some of their leaders say, some of the leaders of those groups—one of them said that one of the best things that happened was the AIDS virus. He said this is just what we need to eliminate people. What kind of groups are these? I know lots of people are sending these groups money, and yet they have no concept what they're really doing.

I sit on groups or boards where they are trying to make decisions on livestock grazing, but are they saying they don't want improved grazing? Do they admit that they want no livestock grazing and no industry? To me, if I want to improve my grazing, I need to know what the other people are trying to do. If they're just trying to eliminate the industry, I don't think they should be advising government. They should be saying in another format, we don't want grazing. Instead, they are right there in the office demanding these changes when they have avowed purposes that are not admitted locally of eliminating these industries.

Mining, manufacturing and agriculture are all under severe threat in this country. Most people don't associate the food on their table with agriculture. They don't know what they're using that comes from mining. They don't recognize their local economy. You take a geography book from the 1900s; the exercise is to identify where everything you have comes from—I'll bet most college graduates can't do that. We have people today graduating from biology that now advocate no use from people.

I spoke to a young graduate recently, and she said she was graduating in biology. I said I'm very concerned that young biology graduates are not scientists any more, but they've become political biologists. She said, "Oh, we have to. The issues are too important. We have to be politically involved." How then, do I now trust the new wave of biology that is giving us advice on what's happening?

When we have competing groups for the same land, which we should have to keep appropriate balance, we have to have real science on what's happening there. We don't want scientists that are giving us facts and data to achieve what they want to achieve. We as a society cannot come to a good decision when the political arm is getting distorted facts and figures.

We had a case recently up in Elko County where some activities went on, and there was a changing problem with the stream. The press was saying there the habitat for this fish is destroyed. You're talking about less than a city block edge. I have people coming to me from Las Vegas complaining about livestock grazing. They are paving over Las Vegas by the mile, putting cement and houses over it. They have the audacity to come out in my valley that is fifteen miles long and twelve miles wide, and we have less than 800 cows on it. They suggest my cow is hurting the environment, and they're not, with their sewage, and their runoff, and their pesticides? The audacity! And I think the term is

mendacity. To distort the issue to the public; the only thing you have to do is in your own small way, try to be informed.

When I see livestock people doing something wrong, I do my best to help them correct it, because most of the people I know are not willfully going out there and doing things wrong. But if I want to improve my range right now, I'm denied the biggest tool that I have. I need to develop water on our allotment; and yet, because the federal government is trying to seize water rights, they're not allowing improvements. So the very tools to improve the range are now being denied. That's part of the thing that I think is out of balance, one of the reasons why I'm driving the miles I am.

GLORIA FLORA



Gloria Flora. *Photo courtesy of Gloria Flora.*

Susan Imswiler: I'd like to start with an overview of your work experience with the Forest Service, so we have a context for your Nevada tenure. How did you come to work for the Forest Service?

Gloria Flora: I joined the Forest Service in August of 1977 as a landscape architect, and I started working in the Shasta-Trinity National Forest in Redding, California, as a landscape architect. I was there for several years before moving to Libby, Montana, where I was a landscape architect, as well as a recreation specialist. I was then promoted to a position on a district outside of Libby, where I was in charge

of a number of renewable resources.

From there I moved on to the Selway District on the Nez Percé National Forest, where I was the District Ranger from 1986 to 1990. In 1990 I moved to Jackson, Wyoming. I was the Ecology Resources Group Leader. Essentially, I was in charge of all renewable resources on the Bridger-Teton National Forest for five years.

I then moved to Great Falls, Montana, where I was the supervisor in the Lewis and Clark National Forest. I was there for three years, and in July of 1998 I moved to Reno, as the Forest Supervisor of the Humboldt-Toiyabe National Forest, where I remained until December 31, 2000.

Did you request Humboldt-Toiyabe, or was that a standard transfer?

I was requested to apply for the position, because it was felt I had the skills and capability to address some of the very serious problems that were here in the Humboldt-Toiyabe, and I felt that I did. I had a very successful tenure in Great Falls, and so I did apply for the position and was selected.

In your previous assignments, did you have occasion to work with miners and ranchers in the other states?

Absolutely; every position.

Did you have any opposition from those groups in the previous tenures?

Opposition in terms of opposing some of the environmental regulations that the Forest Service was commissioned to carry out. As far as my personal relationships, I always experienced very positive relationships, despite disagreement, and on everything from basic values to processes and procedures, but I was always capable of arriving at least at a cordial agreement on the way that things needed to be done.

During RARE II [Roadless Area Review & Evaluation] in 1978 and 1979, you would have still been in Redding as a landscaper, right?

Yes.

This is when the Forest Service sent President Carter recommendations for the wilderness areas, according to the Wilderness Act of 1964. You didn't have any direct input into any of those recommendations?

I was not involved in the inventories, and those inventories were not necessarily sent to President Carter to carte blanche identify additional wilderness. After the Wilderness Act, all wilderness areas were to be on federal review, state by state. It was simply an inventory to be aware of what was out there in terms of development and natural attributes.

Did the process of that inventory have any impact on you or your office at that time?

Inventories in major projects always have an impact, because people are removed from their normal working position into more of a planning function and an inventory function. It had no greater impact than any other national directive that we frequently get.

Redding is sort of logging country. Was there any reaction from the loggers north of Redding at the time?

People were concerned as to the purpose and the criteria, but I wouldn't say any more so than any other activity.

Just wanting to know what was going on?

Yes, wanting to know what was going on, and concerned that they would have an opportunity for input, should some areas be identified to be moved into wilderness study designation or designated as wilderness, and there were many, many, many steps between inventory and designation; major steps, and all of them have opportunities for public involvement, both with the Forest Service and with the congressional delegation.

The enemy, so to speak, during the original Sagebrush Rebellion in the late 1970s, was more the BLM than the Forest Service. The Forest Service pretty much emerged from that first round relatively unscathed, as I can see. Today it sounds like there's almost an undeclared war between Nevadans and the Forest Service. What do you think brought about the change?

Well, I think there can be no one factor or one variable to put your finger on. I think what we're seeing is the world has changed. The world has changed significantly, as has the United States. We have a dramatic change in social values, in environmental values, in economics, in technology, in our economy, in trade, in our interactions with other countries. The list goes on and on. When you look at the dramatic changes that have occurred in just the past twenty-five years, it's little wonder that persons who oppose that change have become more and more outspoken in, I think, largely a fear-driven mode. The reason, I think, that the Forest Service has perhaps risen to prominence, more so than the BLM right now, is that the Forest Service is a bit more progressive than the BLM. And by progressive I'm not applying kudos to the Forest Service. [laughter]

I'm simply saying that the Forest Service has been more responsive to public input, and the Forest Service has been more responsive to congressional direction. In responding to those, they have put themselves out in front. If you'd lagged behind and dragged your feet, well, then you're not going to be a prominent person. [laughter]

But if I may digress for just a moment to give some context: in Nevada, I believe that 87 to 90 percent of the land is publicly owned. I'm not sure of the exact percentage, so I won't give you one, but the Forest Service manages, I would say, less than six million acres in Nevada, as opposed to the BLM which manages forty-four, forty-five million, somewhere around there. So you can see, we're kind of a bit player when it comes to BLM, but I think the lands that the Forest Service does manage are, shall we say, the more biologically diverse and more interesting lands in the upper elevations, so I think that the attention does focus on them a bit more than the BLM.

Do you think any of it could be due just to the fact that the Forest Service is more visible? Most people have seen the rangers; they can see the green trucks; they can see the Forest Service office. Many Nevadans don't know what a BLM is.

I think that may be true in part, but I will tell you that the Forest Service doesn't drive very many green rigs for personal safety reasons. But the Forest Service has a much more assertive posture in public involvement, and we always have had. In drawing out the public, you do call attention to yourself. They learn where your office is; they learn to expect something in their mailbox or see something in the newspaper addressing Forest Service activities, and so I think that in our attempt to include the public as much as possible in discussions and decisions about their public lands, we have made ourselves much more visible.

We also have a much easier appeal process than the Bureau of Land Management. All you need to do is have a stamp and a fairly well-reasoned argument for why you oppose a proposed decision or a decision, and it gets heard fairly quickly. There are different rules, but it goes one or two levels up and there are some time frames that the Forest Service attempts to follow closely.

The BLM uses the Interior Board of Land Appeals, which is more of a formal court setting: judges, that sort of thing, not a lot of expert resource input in the decision making. It's kind of a crap-shoot, but it can go three, four, five years before an appeal is resolved or action is taken, and it's not easy to follow, and it's not always logical. The Forest Service has a review process and appeals process that's more visible and closer to the ground.

Could the withdrawal of AUMs [Animal Unit Months] also have anything to do with the shift from hating the BLM to despising the Forest Service?

Yes, it does, but I would change the wording of that in that the Forest Service and the BLM both have not been following environmental law, as much as people would like to say, "Oh, my God! They're being too harsh and interpreting the law too harshly." Quite to the contrary: much to our dismay in the Forest Service, we have been unable to fully implement the law, for reasons of politics, for reasons of public pressure, for lack of integrity on the part of some of the Forest Service employees.

I mentioned the social changes and social values: 80 percent of Americans claim they are environmentalists at this point, and that was substantiated in a number of polls, particularly the one on roadless areas just done at the beginning of this year. Eighty percent of the Americans are saying, "Hey! We want clean water, clean air. We have certain expectations of our public land." The pressure to enforce the existing laws has become overwhelming and so the Forest Service has needed to address long-standing problems that we were fully aware of but lacked the wherewithal and the public support and political support to address in earlier decades.

I think we see a parallel with the timber industry and the decline in board-foot production: that the grazing industry has lagged a bit behind.

How so?

Obviously, clear cutting is much more visible, and clear cutting occurs in more vertical landscapes so it becomes much more visible, and it's in places where people are more likely to be interested in recreating. Starting back in the early 1970s with the Monongahela-Bitterroot controversy, people started to rail against two-hundred, three-hundred-acre clear cuts, big squares on the land that created really, desertification in some areas. The protest against clear cutting began at that point. Based on that controversy, the Forest Service ended up with the National Forest Management Act, which directed us to look more fully at the broad spectrum of resources rather than singularly at timber or at animal production, meat production. I want to add this fact, because I think it will help put things in context.

In the 1970s the Forest Service increased production of board feet from four billion board feet to twelve billion board feet. That's a threefold increase. One would have expected that indeed, jobs would increase threefold then. However, it's just the opposite. Jobs in the timber industry dropped by 40 percent during that same time period because of technology—the increased ability to mechanize removal of the logs, transporting of the logs, and most importantly, handling of the logs in the mills.

Computers were introduced early on to determine how best to maximize the number of board feet out of a singular log. Likewise, the conveyer belts and the automation of the lumber process really caused a dramatic decline in jobs. Then the timber faucet began to be turned off, because of the intense public pressure and the realization, scientifically, biologically, those practices in that volume were completely unsustainable. As the volume started to taper off then, into the 1980s, the reaction was very vivid and livid, because people felt as though it was the Forest Service who was arbitrarily deciding that they were no longer going to provide the same amount of board feet. But people were losing their jobs, regardless of the amount of board feet that were coming out. So, needless to say, there was a double whammy.

But the timber from national forest lands only provides about 74 to 75 percent of the total timber that is used in the United States, or in the market stream in the United States, and that includes exporting, importing, all that. So timber from public lands is actually a very small percentage.

Now, let us shift back to grazing, as we address the situation in Nevada. Likewise, as people became more aware of sustainability, of biodiversity, of the need for conservation biology to be practiced, and looking at the laws, and then comparing that to what was actually occurring on the ground, the public was very quick to point out that we were not grazing sustainably, that we had deteriorated watersheds—some that had deteriorated a hundred years ago—but our current practices were doing nothing but making them worse.

Again, as far as meat that is produced from public lands, it's less than five percent of the total meat that's consumed in the United States, so it's really a very small percentage of the meat flow as well. Combine that with Americans' changing understanding of their health, a very grave concern about cholesterol and too much fat in our diets. People look at meat, because meat has visible fat on it. So I think that's your first target. There's been a tremendous reduction in consumption of red meat.

Likewise, people are more concerned about pesticides, antibiotics, other hormones that may be injected into the food that they are consuming, and so they have begun to be much more careful about what they consume. So the market for red meat has diminished. Add in a few other factors, such as NAFTA, the free trade agreement that allows huge amounts of government-subsidized beef produced in Canada to be brought across our border and sold.

You also have the factor of corporatization. Right now, I believe there are only one or two companies that control all meat packing in the United States. So, then you look at the price of cattle, of beef on the hoof. It's terribly low, dramatically low. I mean, it just doesn't make sense. I've tracked back the prices from the 1920s, and beef has hardly come up at all, in comparison to any other commodity. So you have depressed prices at the producer level. You have a monopoly on the meat production. You have a public who is saying, "I don't think I want to eat a lot of red meat." The public also is saying, "Hey! The public lands are in terrible condition." And true. In arid and semi-arid lands in the West, the lands that are grazed, much of it is in very, very poor condition.

So you have all of these factors converging. But who is the face? Who is the person in the green truck? Who is in that office down the street? "They must be the cause of my problems," says the rancher. The ranchers that are successful are those who are adapting to a different market, are niche marketing, are looking at producing cattle with much leaner meat, lower fat content, and also, looking at their land as—or the public lands that they have the privilege of using. They are starting to recognize that if they graze too hard one year that's going to be less forage the next year, but unfortunately the number of those ranchers is rather small by comparison.

I would have thought that the majority would realize they have a vested interest in the land's condition from year to year.

Well, I think they've come up against the market forces, and they do have a vested interest, but if you're looking at a loan payment due, you're going to act in a way that's going to generate as much cash as you can and hope the hell it rains a lot next year. There are very hard realities. You know, I do not fault the ranchers for being extremely concerned. However, the United States government has actually done a disservice to many farmers and ranchers, because we have subsidized activities for many, many years. The price of grazing AUMs on public lands is dramatically lower than the going rate on private lands, or even state lands.

I can give you an example from Montana. When we were charging \$1.33 an AUM on public lands, private lands adjacent to those public lands were going for \$14.00 an AUM. So ranchers have been encouraged to use public lands to subsidize their operations, but those lands are becoming deteriorated. And I haven't even talked about climate change, which is really affecting the forage potential of public lands. When those lands become less productive, and the market price is dropping, the rancher is in a terrible squeeze. You can't really charge much less for grazing on public lands unless you give it to them for free.

The argument I heard from someone I interviewed was that when you're grazing on private land, that it tends to come with the improvements already there, where if you're grazing on public lands you have to put in head gates and fences and things at your own cost, and that tends to equalize the cost.

I would certainly agree. The grazing of public land is a bit more difficult. Usually there are larger expanses of land and so you need to be more cognizant of where your cattle are and gathering them and that sort of thing. It does increase cost, as does the improvements, but there are fences out there that have been there for fifty years. You amortize the cost of a fence that was put in fifty years ago, and it's not costing that rancher much. Yes, repairs and that. I haven't seen the level of investment on most grazing allotments that ranchers like to talk about. As a matter of fact, on most grazing allotments, we have a great deal of difficulty in encouraging the rancher to keep the improvements up and keep them maintained. In many cases they're in a terrible condition. Fences are down; cattle are wandering all over the place. The fence that protects the spring from being trampled and then allows the water to come out into a tank—the fences are down, the streams are trampled, and the springs are not producing in the way that they could.

Does there seem to be a push, then, within the Forest Service to try to withdraw more AUMs over time?

Again, you are not asking the right question. We have no desire to reduce AUMs. Do you think that we like to take AUMs away from ranchers, our neighbors, people we know? Many of these are very good, hard-working citizens. Do we have a program to take away their cows? Absolutely not! But we have a responsibility, not only to them as our neighbors, but the community, the residents of the state, the residents in the rest of the United States, and not only that, public land management is unique in that, as I was very fond of telling people to help them gain a perspective, I am managing this land for 260 million Americans that are alive today, and another 260 million who aren't born yet. So there is very much a need for a future orientation. What is it that we are leaving for the future?

I think in my time in Nevada, it was very obvious to me that our ancestors, our predecessors, had left very little. I didn't see one stream that had a grazing allotment on it that I would say was in good or healthy condition. It was only the streams that had had grazing pulled off of them for ten years that really started to show improvement, that are starting to show true riparian species, that the streams were no longer head cutting or deeply incised.

We walk around the landscapes of Nevada, and we see these deeply incised streams, sagebrush growing right up to the edge of that little plateau before you drop down to the stream, and we think, "Oh, that's what streams look like in the desert." Wrong! That is not what streams look like in the desert. That is what streams look like when the riparian vegetation has been removed, and the stream begins to head cut because the water table is dropping. Sage is not supposed to be right up to the edge of a stream, and yet we see that all over the place. That is not healthy, and that is not sustainable, and as the water table drops, you have less and less forage available in that whole drainage, not just right beside the stream.

It is because of the heavy grazing that was done earlier in this century, and, I dare say, many of those ranchers went out of business because of the lack of forage, that you have very difficult grazing conditions.

I wish that I had more facility with facts, because there was a book that was published quite recently called "Western Range . . . Land Revisited" [*Western Range Revisited: Removing Livestock From Public Lands to Conserve Native Biodiversity*, Debra L. Donahue, Norman University of Oklahoma Press, c1999], written by a law professor who is also has a natural resource background, and has worked for natural resource agencies. She went back, got her law degree, and did *extensive* research. There are a hundred pages just in footnotes and references. She has reviewed the history of grazing on arid and semi-arid lands in the West, and has come to the conclusion and has defended it to an incredibly high academic level, that cattle grazing is not a profitable or viable business in the lands of the semi-arid West. It's a formidable case that she makes.

My experience covers twenty-two-and-a-half years, and I have worked for the BLM as well. I forgot to mention that. I did a stint as the district manager in Salt Lake City, and I was responsible for all BLM lands in the northern third of Utah. Idaho, Montana, Wyoming, Utah, and Nevada—I have been around. From what I have seen in terms of grazing her arguments ring true in a very profound way. It very much aligns with what I have seen.

One of the questions I was going to ask was if you thought the environmental movement of the 1970s had any effect on Forest Service policy itself. I think you've already said absolutely.

Absolutely.

What about today? Does the environmental lobby still have a tremendous amount of power to shape Forest Service policy?

I find your questions worded very interestingly. I don't believe the environmental lobby has any more influence than the corporate and industrial lobbyists, who indeed controlled the Forest Service and called the shots up until the 1970s, when the environmental lobby started to really bring in a little more balance of power. So the lobbyists have power? Absolutely! But do corporations have power? Absolutely!

You know, I believe very strongly that politicians are extremely influenced by finances, by campaign contributions. I think that you would see things operate in a dramatically different fashion in the United States, in certain areas, if we had campaign finance reform. But I digress.

Yes, lobbyists do have an effect. However, constituents have a greater effect. Let me use, for example, Bill Clinton. Bill Clinton is not an environmentalist. He is in *no way* an environmentalist. His record as governor in Arkansas is absolutely abysmal, in terms of the environment. Decision after decision after decision that he made was very strongly in support of industry. What happened to Bill Clinton? What, did he get religion? Did he go on a picnic and suddenly decide he liked the woods? No! What Bill Clinton does is read the polls. He is a very savvy politician. And the people are demanding higher environmental quality across the board.

Why is it that when we've had a Republican Congress and a Republican president, that we could not see a dramatic change, any change, in the Endangered Species Act? We did not see any change in the Clean Water Act. We saw a slowdown in the Clean Water and Clean Air Act in terms of the passage of its amendments, and indeed some implementation, but you will get every environmental law. What did the Republicans do when they were in Congress, when you think that they had complete control with Congress and the White House? What changed? Not much. Why? Because the American people *don't want those changes*.

Likewise, let me use Montana as an example of the same kind of political playing out of the American attitude. Montana has had a Republican governor for three terms, a much-liked Republican governor. They have had a Republican senator, and the sole representative has been Republican. The state legislature is overwhelming Republican. Now, in just the past eight years that I am aware of, Montana has voted in extremely tough clean water laws in the state. Montanans have voted in a ban on cyanide heap-leach mining. Montanans have voted in a number of very pro-environmental laws.

How did that happen in a Republican administration? Well, it happened because the people were absolutely opposed to some of the degradations that they had seen that had happened in the past and were opposed to having them continue in the future. When 250 migrating snow geese die because they land in the Berkeley pit in Butte, people get excited. There's something fundamental that touches people whether they're Republican or Democrat or Libertarian or whatever they want to call themselves. People know when their water tastes bad. People feel it when they get a notice saying, "Don't drink this water." People feel it when a company, be it mining or timber or whatever, waltzes out of the state declaring bankruptcy. Their CEOs get couple-million-dollar bonuses, and Montanans are left to foot the bill to reclaim the land, to purify the drinking water that is polluted for miles around.

These are very serious issues, and I think that it's not just the environmental movement. A group of wild-eyed radicals just couldn't make up enough stuff to get people excited. What they did was merely point to the results of our largesse, of our insatiable appetite for natural resources.

Do you know the name of the company that you were referring to?

Pegasus Gold, and, obviously, the ASARCO with the Anaconda area, the Berkeley Pit. There's an effort to try to clean up the Berkeley Pit now, but it's needed the federal government to come in and declare a Superfund site and bring in supplemental dollars.

We have a horrible situation going on in the Coeur d'Alene River Valley. There are fifteen hundred square miles that have extremely high levels of lead and cadmium and mercury from a hundred years of silver mining. People are being advised, "Don't eat fish out of the Spokane River." As clear and

as pure as the water in Coeur d'Alene Lake is, there is toxic sludge at the bottom of that lake. The EPA has come in and literally dug up people's yards and replaced the soil because it was so polluted with lead. Children's lead levels in their blood are extremely high in that area.

It's not just the Bunker Hill site, twenty-one square miles, or whatever it was. It goes far beyond that, and people are starting to see the cost. They're starting to feel what it means to pay for the sins of the past. That's why people are so motivated to protect the environment, and also because, as population grows, demands grow. Open space fills up—places that were near and dear to people's hearts. Even if you live in suburbia, and if you live in the East, places near and dear to your heart, where you played as a child—that stream, that hillside, those woods—they're gone. There's a shopping mall.

Do you know we have more acres in the United States that are paved than we have in wilderness? People are starting to become aware of this because of technology: our ability to communicate, our ability to measure and define, to photograph, to take satellite pictures of the earth, and start to look at the areas that are truly in trouble, the areas that are truly degraded to the point where in our lifetime we certainly aren't going to see restoration. So, as people become more aware of this, those of us who have the wherewithal—and I include 90 percent of Americans in that, because we are so much better off than Third World countries—to understand this and the wherewithal to at least modify our consumption are starting to feel very much a moral responsibility towards modifying our consumption and not leaving the land in worse condition than it has been handed to us.

I had asked about the environmental lobby because I talked to a former Forest Service employee who'd worked up in the Tongass in Alaska, and they told me that at the time—and this was some time ago—that they were expressly forbidden to have anything to do with FSEEE, Forest Service Employees for Environmental Ethics.

Environmental Ethics, yes.

There was another group, Public Employees for Environmental Reform, PEER. They were forbidden on pain of losing their job at that time.

[laughter]

Obviously you weren't in Alaska, but do you think we're looking at change over time, or whether there's something inherently different about Alaska?

Yes, we're changing over time in some areas, more slowly than others, but the Forest Service is not a mono-culture of individuals. There are individuals of every variety, of wide-ranging values, of life experiences, expectations, and management styles. It is patently illegal to forbid involvement of employees in those organizations, but because a particular manager or supervisor felt threatened, felt that, perhaps, he or she did not agree with the values espoused, they were exercising their authority in a way, through intimidation obviously, to prohibit practices. Now, if there had been a different-minded individual as supervisor, perhaps they wouldn't have been prohibited, so it was not at all a national initiative, but the fact that the Forest Service is very much a decentralized agency, and individuals who are in the line officer positions.

There are only four levels of line officer in the Forest Service. The chief; there is only one of that variety. There's, I think, six, seven regional foresters, and there are about 160 forest supervisors, and 600 district rangers. Those are your line officers out of 33,000 employees. Those are the people that call the shots. So if you have line officers who are very much opposed to following the environmental law or very much opposed to having a diversity of opinion within their ranks, then they will do things like that.

To be fair, I think that also the public setting does influence. If you feel intense political pressure—in Alaska you have Don Young and Murkowski, who are bulldogs in an anti- environmental way. You're watching your backside. Maybe the forest supervisor feels that if they don't keep their ranks in very tight order, that *they* will lose their job. So it could be self-preservation then, or it could just be self-interest.

So it sounds more like an individual management style, rather than geographical or time change?

Yes. I think style is certainly influenced by geography, but it's individual managers, I think, for the most part.

Going back to 1979, when the first Sagebrush Rebellion was pretty much off and running in the Western states, you would have been in Redding?

Yes.

Were you much aware of it at the time, or did you learn more about it in retrospect?

I was less aware of it in Redding than when I moved to Libby, Montana. Libby, Montana is a very isolated town in a very isolated corner of Montana. Many people who have lived in Libby their entire life have rarely been in Idaho, which is only forty miles away; barely, if ever, in Canada; and probably never west of the Continental Divide. They tended to be a very insular community—tough, independent. I wouldn't say totally, but 75 percent, perhaps, dependent on the timber industry. It was a timber- producing forest, period, and there were some mines that in the later 1980s grew in more prominence, but that's when I became very aware of the fear and the resistance to change and the resistance to outside influence.

The push at that time, particularly in Nevada, was to try to change the land from federal control to state control. Do you think that the states would have the monetary resources to administer former federal lands?

Absolutely not. *Absolutely* not. The Forest Service doesn't have enough resources to appropriately manage lands, and the Forest Service has a big budget. I once did a calculation, because I was challenged with a similar question when I was working in Utah by a group of ranchers that had a collection of allotments in horrible condition, and they were pushing for state control. The person in the state said, "We really would love to manage these lands." I counted, and just for that county to manage grazing, if they got everything that the BLM got, meaning, that the government would turn around and fully subsidize the states at the same rate which they are paying BLM, they would get about \$14,000 a

year to manage all of the grazing in one county. You know salaries today. That would be what, about one person for about a third of a year?

By comparison, do you know what the Forest Service budget for that particular area was?

Fourteen thousand dollars. I would say that they would get a higher budget to manage that particular piece of land. The thing that puzzles me is that, particularly in a state like Nevada, the rural Nevadans live off of subsidies. The federal government subsidizes everything. For instance, a county commissioner in Elko who works for home health, when asked, freely admitted, yes, 90 percent of her salary comes from the federal government. I've been told figures, and I have not seen them, so this is hearsay, but I got this from a reliable source, that approximately 75 to 80 percent of Elko County's budget actually comes from federal subsidies—health subsidies, road subsidies, all the way down the line. Again, I didn't see the breakdown on that, but it wouldn't surprise me. They only have 40,000 people; where else are they getting their money to run their hospitals, to run their police stations? The federal government is constantly pumping money into rural communities, and the smaller the community, the higher the per-capita is coming into the community. Likewise, having a Forest Service office—this is really rich.

I've been through a couple of experiences, one where the Forest Service and the BLM talked about the interchange in the early 1980s where we would attempt to consolidate Forest Service holdings and BLM holdings, so that they weren't intermingled and scattered. The exchange didn't get off square one. People had a *raging fit* over the fact that they might lose their Forest Service office or lose their BLM office. And it wasn't just internally, "Oh, I want my green uniform," or, "I want my brown uniform." It was the communities, because the communities knew darn well that Forest Service employees, by and large, make up a very large chunk of the steady income and indeed, better paid jobs in rural communities. They have mortgages; they subsidize the bank through their mortgages; they have kids in school; they're members of the PTA; they're volunteer firemen; they're EMTs.

Forest Service people tend to be extremely involved in their communities, and I think it's because we move around a lot. We really want to identify and connect with communities, so we tend to give a lot. We have a wide variety of professions that bring different perspectives, share different experiences that we've learned from living in other places. I'll limit this to Forest Service, but BLM, too. Forest Service employees are very valuable members of the community. The spouses that follow the employee, many times take whatever jobs are available, and if they can't find a job, they do *extensive* volunteer work. So these people provide a very important part of the community, and they bring money into the community and spend their money in the community.

You should have heard the screaming and seen the public protests when we talked about consolidating two forests. Helena and Great Falls both have supervisor's offices. They're only about an hour and fifteen minutes apart. We had fifteen-page letters. We had *notebooks* put together by communities outlining all the reasons why, if the forests were going to be combined, it ought to be in their communities. We had public meetings where people were standing up saying, "I *love* the Forest Service!" And these were people that at other times would like to skin us alive, either from the right or from the left, but at the thought of losing that component of their community and of losing that flow of dollars into their community because the Forest Service, not just individuals, but as an entity, as an agency, does local business. We buy tires locally; we have our vehicles repaired locally; we buy office supplies locally; we contract locally.

You go right down the list, and you can always tell when you're driving around in a community that has a Forest Service office that auctions off vehicles, because the town is littered with green vehicles that have had the decals removed because people buy used vehicles cheaply that are good, solid vehicles.

So there's a myriad of benefits that flow to a community by just the presence of the Forest Service, let alone the fact that they have built-in caretakers for their backyards. When there's a fire, there are people who would risk their lives for a five-minute delay, dive in a truck and go out there and face fifty-foot flame lengths to try to protect their homes, their barns, their farms, their fences.

People that live in areas that do *not* have public land can't comprehend why people are opposed to public land, particularly if owned by the federal—or managed by the federal government, because you get everything. You get roads built; you get campgrounds; you can just take off and walk or horseback or do whatever you want on public lands. If all access is restricted, oh, spare me! Three hundred-eighty thousand miles of road, and that's just on Forest Service. That's not even BLM.

BLM's off road-vehicle policy is you can drive anywhere you want, with very limited exception. Now, as we start to say, "Wait a minute, maybe it's not a good idea to have ten roads in this section of land," people say, "Oh, my God! You're limiting me." People in Iowa would give their eyeteeth just to have one of those roads to drive on.

We, as residents of the West, are really very jaded. We have expectations of freedom, independence, and flexibility, the ability to do things, to go out and gather firewood. Do you think somebody in Minnesota can just waltz out and gather firewood anywhere they want? Oh, no. There are a lot of private timberlands there.

So there are so many benefits that we enjoy by having these public lands that the rest of the taxpayers are paying for. That's what leaves me incredulous sometimes. It's like, okay, you get to do all these things. You just drive through your back gate or drive twenty minutes and hike for an hour, and you're in the middle of the Rubies and just awesome, spectacular scenery. You do it on a Sunday afternoon, and you didn't have to pay, other than the one-tenth of a penny of an average person's taxes goes to the Forest Service. So you gave one-tenth of a penny, and maybe on a few areas there are fees now. You pay two bucks or whatever for a decal on your car. But you've got 260 million other Americans that are paying for you to drive on that road, camp in that campground, just have a whee of a time. And they're paying—paying through the nose—and they *never see it*. They never get to experience it, and you go have a great time on Sunday afternoon.

So the benefits are huge, and it really puzzles me. I mean if you look at state land and the way that it's managed, state land has a different mandate. State land very often has a mandate to produce revenue. That's why it's seen as the state's natural capital.

Tax base.

Yes, tax base. They want to live off the interest. I don't know if they often dig into their capital, but some of the practices—it's not that the federal government or the federal land-management agencies are just hell-bent to hold tight control, and oh, my God, we have so much to do. There are so many things to take care of. We welcome people's help. We welcome people's input, and people say, "Well, hey, that's in my backyard. I'm a local. I should have more say." Well, you *do* have more say. When we have a public meeting do you think somebody from the Bronx shows up at the public meeting to express their desires and concerns? The percentage of letters that we receive from people out of state or from across the nation is very small; in most projects non-existent. In most projects we barely get regional input. We get

primarily local input. So, yes, the locals do have a tremendously more powerful influence over what we do. The thing that they don't have influence over, to the degree that they would like, is changing national law. But national law is a compact between all 260 million Americans that this is the way that we collectively agree to act as a society because we recognize that we gain some benefits by accepting some limitations.

You came to Nevada from Montana three years into the Jarbidge controversy. It sounds like you had been aware of the things that were going on before you came. Did you anticipate the kind of local opposition that you eventually found?

No, not to the extent. I think what I did not expect was the degree of irrationality that I saw. I put myself forward. Instead of letting my employees at Elko just kind of swing in the wind and deal with it, which was the modus operandi of the past, I stepped in because I could see that it was a real dilemma, and that the seriousness of the infractions, if you will, committed at the direction of the county commission, literally re-channelizing nine-hundred feet of river—I had never, never experienced that level of disregard for the environment and that level of animosity.

I really view it as an action of hate. Perhaps they didn't necessarily hate the river, but it was very much an in-your-face kind of action, not meant in the spirit of cooperation, as those who would like to call in the Constitution. If they read the Preamble some of the phraseology is, "Insure domestic tranquility," and, "to insure a more perfect union." Those actions were the opposite of trying to insure domestic tranquility and insure a more perfect union, obviously. And I did not feel that it was fair to allow my employees to deal with that without my attention, intervention, and drawing attention to this kind of behavior, because there's not a great deal of difference between being angry enough to take a bulldozer to a river and channelize it, turn it into an irrigation ditch . . .

And this isn't idle rhetoric. This is what I saw on the ground. There's not a lot of difference between that and slamming a car door on somebody's hands, slashing somebody's tires, punching somebody out. When you have that level of animosity demonstrated it's so confrontational that I was very concerned that it would evolve into personal violence or at least a personal threat.

We are vulnerable. I will reference the bombings in the Carson City district office, and of Guy Pence, the district ranger's personal residence. I want to be perfectly clear; I am not blaming that on the Sagebrush Rebellion. We have no idea who did that, and I don't know that we ever will, but that's beside the point. The point is the degree of vulnerability of a person in a public office. Now, if Guy Pence were not the district ranger, can any of us say that, "Oh, yes, his house would have been bombed"? Just happenstance? I doubt it. Because of who you work for and the position you hold, you are much more visible, i.e., much more vulnerable in the community. So, when this level of antagonism, this level of confrontation was put forward, of course I feared for my employees' safety. I could go on and on, but if you would like to steer my directions....

Did the Forest Service take any special precautions after Guy Pence's van was bombed in Carson?

Absolutely. This had repercussions across the West, not just in Nevada. Likewise, so did the bombing in the arsenal, the district office in Oregon several years later. Again, it could have been an extreme environmentalist, or a very extreme Sagebrush Rebellion. Who knows? But the fact is that you're vulnerable. Yes, many officers got rid of the green vehicles. Many of us stopped wearing our uniforms.

We did not permit people to go out alone in the field; always travel in twos. Hunting season, we were particularly cautious. We increased our radio coverage, improved our radio communication. We used to have many dead spots. We still have some. Don't tell anybody. [laughter]

We became much more adamant about checking in, checking out, having the phone tree, always knowing where you are. The supervisors expected to be called at home if it was after hours when their employees returned from the field. Yes, we became much more vigilant and much more concerned.

I will tell you—and this was before I was the forest supervisor—but the U.S. attorney advised employees in Nevada that if they stopped someone because of a perceived violation—camping without a permit, not paying your camping fees, collecting firewood, digging up trees, or doing any number of things, very minor—that would be a violation notice and maybe a twenty-dollar fine or fifty-dollar fine, something very minor, that if people protested they probably wouldn't have to pay.

We have very lax enforcement of our regulations, but if you would stop someone to question them, we were advised that if in the course of the conversation, those people said anything that sounded like the Sagebrush Rebellion or sounded like they were constitutionalists, or any of the home front watchwords, that you were to leave the scene immediately. Ignore the fact that there was a violation. You allow them to do whatever they wanted to do, and report to the U.S. attorney.

Now, something is amiss with our system, if a person who is cutting Christmas trees or collecting firewood without chipping in the very meager fee that the permit requires—and sometimes it's just a free permit, just so that we have contact with people to tell them, "Well, this is the area that we need to have thinned," or, "This is the area that we would like you to go in and not go in this active timber sale here"—that something so minor would be elevated to the level of the U.S. attorney, who has jurisdiction over two million people in a state this size, something is extremely amiss with the system. That, likewise, sends a very strong message to our employees: "Danger, danger! Red flag!"

So yes, the message is communicated, not only from the Sagebrush Rebellion people, who like to use intimidation and scare tactics to modify the behavior of federal employees, but we're getting it internally: "Don't go out alone. Don't stay out after dark. Don't drive a green truck. Don't confront anybody who says these words. Look what happened to so and so."

My employees, rightly so, should be scared out of their wits. Most people say, "Oh, well, what the heck? That's overblown."

You try to deal with it, but as a supervisor, as I have said in the past, at what point do you draw the line? At what point do you say, "Well, that's just talk?" How do you know when the talk will lead to action? I'm sure people heard Timothy McVeigh say, "Oh! Remember Waco," and, "I'm really pissed at the federal government. Boy, I'd like to get even. Boy, I'd like to make them pay!"

We hear that talk in cafés throughout the West. That's the same thing Timothy McVeigh was saying. Now, he didn't go up and personally tell 158 or so people, "I'm after you. You're in trouble. You watch your backside." Those people didn't know. They had heard that rhetoric before, but it's talk, and people have some reasons to be upset. But how do you know, when you are responsible for the welfare of not only 400 employees, but their families, if their families are being harassed or threatened because of who their spouse works for?

If the families are being harassed because of who their spouse or other family member works for, as a forest supervisor, *you bet* I feel a personal responsibility to do everything I can to ensure their safety. That was why I chose to resign, to call attention to this, because I felt that I was seeing in the paper and hearing to my face, on the phone, things like, "Remember Waco? It's time to get even. We're patriots; we're freedom fighters. God loves freedom fighters."

On the first shovel brigade, the first rebellion that they had last October, it wasn't brought out except in a single sentence in the newspaper that the person who was arrested here in Reno for proposing to blow up the largest propane storage tank in California in order to foment a rebellion—these were his words, “a citizens' uprising”—was personally invited to attend the rebellion. The newspaper said that in investigating this person's background, it was discovered that he had been personally invited to come to the Jarbidge rebellion. Those elements and our internal information, as well as information the county sheriff was getting up there, was that there were skinheads that were planning to come, because they heard it was a rebellion against the government. When you have this kind of angst, anger, and it's really blown out of proportion, you do draw fringe elements, and fringe elements are very frequently the ones who suddenly show up at the post office, at the corporation, at the school yard, gun in hand, wanting to prove a point. So, yes, I became very concerned about the personal safety of my employees.

Can you give me any specifics about the kind of atmosphere you experienced? How many employees did you have in Elko County?

I believe there were about fifty permanent employees in Elko, and I don't know how many seasonals. It fluctuates from year to year.

Did they give you specifics of, “We were at Safeway, and this happened?” Did they give you any indication of the atmosphere that they found?

Yes. Yes. A number of employees told me they no longer go to the grocery store, because they are recognized there. They'll stand in line at the grocery store, and people behind them will start cursing, “That goddamn Forest Service. Boy, if I catch one in his green out in the woods, they better be careful,” knowing full well that that was a Forest Service person in front of them. You know, the stage whisper.

Clerks in stores refuse to hand you your change back—they throw it on the counter, so it scatters across the counter, and you have to pick it up. Businesses were very quick to say, “Oh, no. That's not our policy.” But individuals who work with those businesses would refuse service to employees. Not getting gas at a gas station, told to go elsewhere. Not getting served in a restaurant. Getting thrown out of a motel. I had an employee that was in a motel, and it was not known initially that he was a Forest Service employee. When he came back from work that day his bags were packed and in the lobby, and he was told there was no room for him. Now, it seems to me that borders on—

That was in Elko?

In Elko. That borders on breaking and entering, when you go in and mess with somebody's stuff in their motel room; literally tossed out, being followed, someone riding on your bumper. Being pulled over by police and being told to produce your registration and insurance in a government vehicle. Well, the police know full well that the insurance and registration information is held at the office and is not in every individual vehicle. Threatening to send that person and other people to jail if they didn't have their registration and insurance.

One time an employee in Elko rented a trailer. A light was out on the trailer; they were taking it back to the rental place to get the light repaired. They were about four hundred yards from the place of renting. The police stopped them and said, “You have a tail-light out. You can't drive this vehicle.” They

had to disassemble the hitch, go back to the Forest Service office, pick up some other people. They had to get other people to come over with a vehicle and have a vehicle with their emergency flashers on trail the trailer four hundred yards to get it repaired. Now, does that happen to ordinary citizens? No. Do ordinary citizens get refused service in a restaurant? No. Do you get refused service in a gas station? No. It becomes very obvious. And the spouses in social settings....

A woman is walking her children to school, and a local person drives by screaming obscenities at the wife of a Forest Service employee, because of the Forest Service. Joining a church. The church members come over to your house to say hello. They find out you work for the Forest Service, and they start haranguing you and telling you that you're *not* welcome. I mean, a church? Excuse me? You know, this is the place of tolerance. We're all God's children. At a banquet, one of their table mates finding out they work for the Forest Service, having a person stand up and say, "I want everybody to know this son-of-a-bitch works for the Forest Service." This is a social event. This is not how well-behaved citizens, responsible citizens, compassionate people behave. Children coming home from school saying, "Mommy, why does everybody hate you?"

People tell me, "I've changed. I used to be a really outgoing, fun-loving person. I just stay home now. I don't like to go out. I avoid shopping. I'm afraid to go out and recreate, unless the whole family is along." This is profoundly affecting people's lives.

People telling me, "I never knew how to shoot a gun, never had a gun in the house, but I'm scared enough, I have a gun now." That's dangerous. That's very frightening.

Did you experience anything close to that level, personally, living in Reno?

Not where I lived. I purposefully live very far out in the country, but my husband and I were concerned when the trees around our house shed their leaves, and let's just say it was a clear shot all around. [crying] But I did make myself visible . . . On a personal level, I had a lot of hang-up phone calls. People would call up and slam the phone . . .

Did you have an unlisted?

No, I didn't have an unlisted phone number. I have never had an unlisted phone number. I've always felt that as a Forest Service employee, particularly, as a leader, as a manager, that you should always be accessible to the public. I was told after I came to Nevada—after I already had my phone number—that it's a policy in BLM that no manager lists their phone number. All managers have a post office box, so that their address is not listed. I didn't realize that. So, no, my address was known to people, as was my phone number.

What I found from personal experience, was when I put myself forward in Elko, and said, "Excuse me, this is not acceptable behavior. We don't plow up a river, because we're angry about a 'proposed' decision . . ."

Let me make that perfectly clear that the concept of not rebuilding the Jarbidge Road after it was appealed was a proposed decision. There never has been a decision made. So instead of responding in the public comment period, as the rest of the civilized West does, they took a bulldozer to nine hundred feet of river and channelized it attempting to build a road, and the road itself was gouged out. The cut slope was actually undercut. It was worse than vertical. It was gnawed into the hill. I swear to God—I'm a landscape architect. I have a good eye when it comes to engineering types of things, and I have designed

and built roads myself. The level of the road was *below* the bottom of the channelized river. Now, that is just *plain stupid*, besides being an absolute insult to the land and everything.

This was the original road?

No. This was Elko's attempt at rebuilding the road. That road that they tried to stub in back in July, when I first arrived, literally, was beneath the level of the river. Now, in spring runoff, what do you think was going to happen? Well, of course, the Forest Service had to take immediate action and spend \$400,000 to rehabilitate that whole stream to stabilize it, and do it before spring, because we would have another blowout if we didn't do something. It was *abominable*.

So anyhow, by putting myself forward, I was absolutely stunned at the ferocity and the velocity at which I was hurled into the public eye and became public enemy number one. There were so many things attributed to me that it was *astounding*! I mean, if I had been there ten years I couldn't have done everything that they accused me of doing. I even had a woman in Montana tell me that she was *extremely* angry at me, because I had put hundreds of ranchers out of work and off their ranch in Elko County. Excuse me? I have never made a decision on a grazing allotment in Elko County. So, I became the symbol of everything that was wrong with the federal government, everything that was wrong with the Forest Service. I wouldn't say the federal government at large, but I became a symbol of the Forest Service. I was a Nazi, a Fascist, a Communist, a liar. I do not lie, period. That is not in my character.

I have told my employees from day one, the first time I became a supervisor, there are three things that you need to act with: those are honesty, integrity, and ethical behavior. Certainly as a leader, if I tell my employees to do that, I certainly have to do that myself. So I was not lying, but I was called a liar. There were things attributed to me that I did not do or say. Oh, and I "sank my fangs" into the Fish and Wildlife Service and forced them to list the fish, so I wouldn't have to rebuild the road. Well, one, I have very little influence, other than as a cooperator with the Fish and Wildlife Service. Secondly, the fish was not listed until after the county plowed the river; I didn't make them do it.

So you go all the way down the line. It's just this grand falsehood that really builds. I became symbolic of something, and the hate that was directed towards me was really appalling. I had built a reputation for over twenty years of having excellent community relations, even with people who were diametrically opposed with me, people that were interviewed in Montana about me. There have been a number of articles written about me, and even the Montana Petroleum Association said, "Well, you know, she was a very well-spoken, considerate person to deal with. We just have different views."

They're suing me, you know. I mean, they have every reason to want to call me a raging idiot or whatever diatribe they want to go off on, but I just haven't had that kind of reaction from people in all of my dealings. So it was very hard for me to imagine that somehow in the space of a month or two that I became a completely different person. So I certainly was very concerned that this was just a continuation. They didn't know me from Adam.

It was just, "Oh, she's one of them, and so she must be this evil person." But getting off me, because that's really not the story . . .

What I realized was the extent to which that negativism not only intimidated Forest Service employees, but it intimidated other people in the community, and that's where the great tragedy lies, because we would have people come to us, surreptitiously, and say, "I really appreciate what you're doing. Keep it up, but don't tell anybody I said so, because I own a business in town." You have these

people that were saying, “I support you, but I work for the mine, so don’t tell anybody. I can’t come to your meeting.”

This is in Elko?

Yes, Elko, in particular, but in other areas, as well. Elko was more pronounced. I use Elko as an example, but it is the extreme. There are some rural counties in Nevada that I thought were working really hard to be cooperative and progressive: White Pine County, Humboldt County, Lincoln County. My hat’s off to them. They had very difficult circumstances, and they were working hard to find their way to the future. I did not see that in Elko, in the powers that be.

However, having said that, there was also a group in Elko, Northeastern Nevada Stewardship Group. They were very thoughtful individuals and from all spectrums, some of them very conservative, but rational, interested in learning more: “How is this really going to affect me? Let’s bring in some experts. Let’s quiz this. Let’s put our heads together. How can we use this to our advantage? We see this coming. How can we prepare ourselves to adjust and adapt to the huge changes that are hitting every community in the United States?”

I don’t mean to pick on Elko, because, frankly, it’s a very, very small minority. The last shovel rebellion, come on. The best estimates were out of the five hundred people, I’m told, that at least a hundred of those were police and media. You’ve got four hundred people. There’s *forty thousand* people that live in Elko County, you could only get four hundred people, and a large number of them were from out of state? Where is the uprising? Where is the groundswell? Where is the broad support? There isn’t any. It just happens that a very vocal group has gained control of government.

They run as Republicans. People are Republicans; they vote Republican. I dare say that not all Republicans would agree with their tactics, but they are in power; they were elected. I hesitate to say exactly how many people showed up at the polls, but the scare tactics that they use....

For example—I couldn’t have orchestrated it better myself if I had planned it—but when National Public Radio was gathering information to do a report and news story on the whole Jarbidge situation, they spoke with me, and then the second part of the story was actually talking to people in Elko. They spoke with a woman who actually stood up in a county commission meeting and questioned under what authority the county commissioners felt they had the right to put a shovel, which stood for a political stance, without vote, on the county courthouse lawn, when it did not represent the majority of views held in the county. That woman was called at home at seven o’clock the next morning, and she was told, “We know who your husband is.” Her husband is a prominent doctor in Elko. She has a different last name; she’s an administrator for the college there. “We know who your husband is, and we are coming after you.”

This is on public radio. I didn’t make this up. This isn’t hearsay. This is actually documented. That person that called her subsequently went on local radio and told everyone that this woman protested the shovel, and she’s married to doctor so-and-so. “I’d really question going to that doctor with these kind of views in their family.” Now, what the hell kind of an arrangement is that? I mean, this is the United States. That is *not* an appropriate thing to do.

When questioned, the person who said that said, “I didn’t think there was anything wrong in saying who her husband was. I didn’t mean anything by it. I wasn’t trying to stop him from getting business. It’s perfectly legitimate.”

What? You express an opinion in a public meeting and on the radio the next day, your family and your businesses are exposed on radio, as though people ought to make some connection there and take some action based on that? That's just one example of hundreds of people who have been intimidated.

I was on the radio talk show. It was not a friendly radio talk show, either. Someone from Elko called in, because I was ambushed on radio and had a couple of prominent citizens from Elko representing Elko government on the radio with me, which was fine. I think that I articulated my views very clearly. They made a number of errors and didn't come off that good. So, great! Be on the radio. But a woman called in and said that she was sick and tired of the antics, and that she'd lived in Elko thirty-five years. She was a Republican, but she did not support what was going on, and one of the people from Elko said, "What's your name?"

She said, "I'm not telling you my name."

"What's your name? Tell me your name."

"I'm not telling you my name." She said, "If I tell you my name, you're going to retaliate against my husband."

So apparently my view that intimidation runs rampant is not out of line. Ask Matt Holford, one of the few people in Elko who publicly professes to belonging to his own little organization. He has changed his unlisted telephone number changed *three* times in eighteen months to avoid the harassing phone calls. He tells stories of slashed tires and intimidation. Matt is not an easy person to intimidate. He's a large man, and he is ready for the fight, so to speak.

My style is not fighting. My style is collaboration, cooperation, working together rationally. There are *tremendous* pressures on public land. There are *tremendous* changes that are affecting all of us, and they're only going to get worse.

The rate of change in our society is absolutely phenomenal. I was reading that one researcher, or group of researchers, concluded that human knowledge doubled from 1600 to 1700. In the 1960s it took about seven years to double human knowledge. Now, they're saying our human knowledge doubled in eighteen months. Do we recognize the complex questions and challenges that that is bringing about in the medical community, in the health community, in nutrition, in our understanding of communication, in how we deal with public lands? The problems are only going to get more difficult. If we cannot communicate civilly now, we are in a world of hurt, and a lot of people are going to get hurt much worse than they need to.

Definitely, things will change on public land. There is no way around it. There is no way of turning back the clock, and the best way to deal with it is for us to work together—"us" being public agencies and the public, treating each other with civility, with compassion. We're humans. We're here a very, very short time. We have a very small, small influence, but profound influence on the land. Let's make sure that we're doing things right for our children, for our grandchildren.

We know what it is like to inherit a mess. We've got a mess at Bunker Hill; we've got a mess at Berkeley Pit; we've got a mess just over the hill at Leviathan Mine. We have spent five million dollars, so far, in Leviathan, and we still have live streams that have a pH of two. How many more millions is it going to take to stop that almost pure acid from draining into the Carson River? It's still going in there, and it's been going in there for years. The challenges are *so* great. That's why it pains me so much.

That's why I felt dramatic action was necessary. I thought, it's either going to take a bombing, somebody getting hurt or killed, or my resignation to draw attention to this, and my resignation, not just because I was the Forest Supervisor in the Humboldt-Toiyabe, but because I have had my reputation. I'm not up tooting my own horn. I'm just trying to set context here. I was viewed as a rising star in the Forest

Service. Many people said I was destined to be the chief at some point in the future. Now, why would someone making a very nice salary, very comfortable, just a few years away from procuring retirement, destined to great things and high positions in the agency, you know, la-de-la—why would that person *just quit*? I knew that many people would say, “*What the hell?*”

Three years ago, I received national attention for making a very important decision that reflected the views of the people, reflected long-term concern for the land, that kept the human dimension and the ecological dimension in the decision-making process, which isn’t normally done, and ignored political pressure. I was touted for that far and wide, received many national awards. Why would a person with those kinds of credentials not just knuckle down, knowing that in another six months I could be out of there into any job I wanted in the Forest Service?

I knew that people would say, “Whoa! Why? What the hell is going on?” And that’s what was necessary—turning on a spotlight, or shining a spotlight, on what was going on, because not only was this incivility having a profound effect on employees, but it absolutely changed the way we managed land. It changed the way we were able to manage land.

I don’t want to go into detail, because I don’t want to embarrass another agency, but I am very aware of standards that were different in Elko County than environmental standards in other counties, because of the fear of the political repercussions if they held Elko County to the same standard as everybody else. Now *that is very wrong*—when we compromise the integrity of the land because of fear.

I felt compelled, then, to do something and to do something quickly. I could have stayed here. I’m very savvy in terms of politics. I have built excellent relationships with all the other federal agencies, healed relationships with some state agencies. The other agency heads weren’t saying, “Oh, yippee, she’s gone!” They were saying, “Oh my God! Please don’t go. You know, we’re working so well together. We were making such advancements.”

It was a very exciting time, the good part of being here with the relationships that were built and the connections we were making with the University [University of Nevada, Reno] and working with the Nevada Biodiversity Initiative. My peers were from all walks in land management agencies, including the Nature Conservancy. The University elected me chair of the Nevada Biodiversity Initiative. You don’t ask someone to be a leader if you think that they’re a swine and they can’t handle things and they’re stupid or failing or whatever. So I’m very proud of what I was able to accomplish in Nevada. My employees were very, very fond of me. They really enjoyed working for me, because I have a very inclusive and compassionate management style. So, like I said, I didn’t change. I didn’t become a different person. It’s that a very small group of people in the Sagebrush Rebellion picked on the wrong person.

They like to say now, “We forced her out.” Well nothing could be further from the truth. I’m not another person who gets forced to do anything. I chose the path I chose, because that was *the* most powerful way to draw attention, and if attention is drawn to them, the people will speak. It’s not going to be a federal agency that controls or addresses the Sagebrush Rebellion group. It’s not going to be any kind of legal pressure that changes their opinion or their behavior. It will be peer pressure that changes their opinion and behavior, and I think that we’re seeing that already. I’m very pleased that that has happened. I don’t wish these people ill. I understand the pain and the anguish that they have gone through. They’re in future shock.

Future shock is, as Alvin Toffler described, that extreme stress and shattering disorientation that people feel when change is thrust upon them more quickly than they are capable of adapting to. There are whole communities in future shock. The reaction when you are in shock? To draw inward, protect

yourself. You go into a defensive posture and determine who it is that is hurting you. You pick the first person, thing, agency, group, that you see and *that* becomes your focus: “That must be why I’m hurting so much. That must be why suddenly I can’t pay back my bank loans. That must be why I’m getting less and less money for my wheat, for my cow, for my pigs, for my sheep, whatever.”

So I feel very sorry for these people and I bear them no malice, but I cannot stand by quietly and watch the land be compromised and watch other people, including my employees, be intimidated and harassed. I had to do it as a professional in my career in land management, and also as a person—my moral commitment to my creator. These are lands that God created, in my cosmology, and I feel that every one of us must do what we can within the scope of what we can, whether it’s living lightly on the land, whether it’s recycling, whatever we can do. I think all of us need to contribute to modifying our consumption and modifying our negative effects on land. So, end of story.

Do you have any theories about why Nevada is so different from the other places where you worked?

I have theories. I wouldn’t ever tell you they’re solid, but maybe they’re components of a larger theory. One certainly is the percentage of land that is in federal holding that gives the perception of lack of control, if you want to look at it from that way. I guess it’s the cup half full or half empty. If you view having an abundance of public land as a benefit, then you’re in fat city. If you view it as a negative, then you feel victimized. That’s part of it. Another part of it is the history of Nevada. Nevada was populated by people who were ready to take on anything.

That is what is so amazing, that people talk about the viability of rural communities. Well, look at history. Look at Nevada. I swear to God there were more ghost towns in Nevada than there are towns today.

Why? Because people would move in, extract whatever they could from the land, and when they stopped being able to make a living or survive, they moved on. Towns of ten thousand disappeared with the wind. So in resource-based societies, or portions of society like the rural West, towns were not envisioned to be long term—only if they became service communities. So what we have here is suddenly we have decided as a society that all towns have a right to viability, and thriving economically. If you’ve exhausted your source of economic wealth, then where’s it going to come from? So these people were all riled up: “Hey, we deserve to live.”

Well, in the normal flow of things, turn the clock back even less than a hundred years, and this town would disappear. I’m not saying I want that, or I’m advocating it, but I’m just saying let’s put it in historical perspective, that the natural-resource-based communities were not communities of longevity. So now we are trying to create communities of longevity and continue to extract unsustainably from the surroundings. But, I digress from my theories.

People that came to Nevada were not coming here to a land of milk and honey. This was not a land to have a couple of fat cows and a big, old vegetable garden. Yes, if you busted your chops, you could have a couple of cows, and you could maybe grow some vegetables, but it was a rugged and harsh landscape. So going back to my theory about viability of communities, the people keep expecting to have the fat cow and the vegetable garden in their backyards: “Okay, where is it? I thought I had it. My grandfather was here. He must have had it.”

I think we forget that the few people who were able to get a family ranch, their predecessors absolutely busted their butts and lived harshly and impoverished, with the exception of a few. There were a few that were extremely wealthy. They’re probably the ones that are passing it down. But most people lived a hard-scrabble existence and barely survived, if they did. So it’s not as though there’s some great

wealth that was out there, but people build a perception of the past that this was abundance, and you could be independent and do anything you wanted, and live abundantly. So if they did it, I should be able to do it. Well, the problem is your predecessors didn't do that. You might want to live like your predecessors lived. You could. Most of us couldn't live like our predecessors lived, so I think that plays into it.

Then I think you have the mining industry coming in, and the mining industry, obviously, like they did in so many Western states, really controlled the entire economy, the ebb and flow, the politics, the power, whatever. So it wasn't an agrarian state. It wasn't a state based on agriculture. I swear, there are more cows in the state of New York than there are in Nevada. So let's not fool ourselves that this is the last bastion of the great herds. When you have control gravitated towards your mining industry and the miners, you have a different power base than one that would be distributed across agricultural land. So that has an effect. Also—and all these are just bits of theories—I think that it's very much in the interest of certain industries to foment an attitude of anger and dissent against the federal government.

What kind of industries?

Well, mining, for instance. God knows, we'd move a mountain for a dump truck load of gold. But because we have the capability now, we have automation. Let me give you a great example from the mining industry on the loss of jobs due to automation technology. In Butte, Montana, at the turn of the century there were ten thousand miners producing X amount of copper. Today, that same amount of copper is produced with three hundred miners. That's huge. Does the industry want to say, "Here's your pink slip. We just got a computer that replaced you."

No! They'll say, "All these damn environmental regulations! We're going to have to slow production. Now, we're going to have to lay off this crew."

It takes the pressure off them, because everybody says, "Oh, it's the goddamn government!" Excuse my language, but that's what's often said. "These regulations are putting me out of business!" It's not the regulations. It's technology, or it's corporatization. The amount of family farms that are left in the United States is a paltry handful. The same things are happening across the rest of the resource-based communities. Industries are expanding. In Libby, Montana, just before I got there in 1980, a family owned the mill, the J. Neils Company. It was a family town, a mill town. "Rah hah for the company store," you know.

A regional mill, St. Regis, moved in, just before I got there, and they were a little rougher on the land and a little rougher on the community — laid off a few more people, added some automation in hopes they could compete. They sold out because they weren't competing. They sold out to a national company. St. Regis, the regional company I was talking about, sold out to Champion.

Champion is a national company. They worked the day. Every timber stand they could get their hands on, they sold all the land that was developed well, and they laid off a bunch more people. They laid off three hundred people right before Christmas, and gave the CEOs million dollar bonuses. Champion, as a national company, really didn't give a damn about the people of Libby. J. Neils gave a damn about the people of Libby.

Now Champion is selling out to International Paper. It's a multi-national corporation. Do you think they care whether the people in Libby have a job or not? I think not. What they care about is genetically engineered trees in the southeastern United States they can grow as a monoculture, because they can get more fiber out of that production than picking around in the steep hills around Libby.

You see that same thing in every industry, where we have a consolidation, merger after merger after merger. Our major oil companies, our major banks, our major financial holds, our agriculture community. You go right down the list, and pretty soon you start to see that there are very few that control an abundance. Well, that influences people's attitudes, and I've seen it happen every time in timber, in grazing. "It's the government that's screwing you."

Yes, it's the government that's screwing you, but it's not through the Forest Service. It's through NAFTA, you know, free trade agreements that keep the price terribly suppressed for natural resources. It's private timber companies who choose to cut everything they can and export it to Japan, because they get a hell of a lot more money for the logs going to Japan than they do in the United States. It's not that we have a lack of logs. It's just that we don't have the efficient distribution system to allow the logs and the resources to be distributed to people fairly and equitably. So, there are all these things that are gone.

Nevada, in particular, grew up in a different way. Just look at the demographics now. What is it, 1.6 million out of 2 million that live in Las Vegas? I'm pretty sure that's the number. Another two, three hundred thousand in the Reno-Carson area. Do the math. You've got about a hundred thousand people left scattered out over the rest of Nevada. They don't have a voice. The only voice they have is when they trade votes in the legislature, and people think they're cute and allow them to come up with, "Well, we're going to arrest the federal employees doing their job, because we have the right to."

It's, "OK. You vote for that. I'll vote for that, if you vote for my new sewer system in Henderson." It's just vote trading. People in rural Nevada certainly feel marginalized as sort of one of the pack. Who's to blame? You know, who's got me? Well, they don't look at the larger picture. Again, they look at who's the local? Who's the neighbor? What can I grasp? The Forest Service is there. They can grasp the Forest Service.

Half the people probably don't even know what NAFTA stands for, much less what it means to their cattle industry. People don't understand mass communications, economics, the incentives that corporations have to move offshore. My God! Why is it taking me six months to find a pair of tennis shoes made in the United States? I refuse to buy a pair of shoes that were made in China or Singapore, or somewhere else, because every time you buy something that says, "Made in China," you became complicit in eliminating jobs in the United States.

People in Elko, sitting in the county commissioners building are not thinking about that. They're thinking about, "How can I get elected? How can I stir up attention? How can I be on the cover of a magazine? How can I become famous? How can I be a big fish in a little pond?"

What they don't realize is that their thinking and their values and their attitudes are in an ever-shrinking minority. They don't have the support base. If they had the support when Reagan was president, they would have controlled the state of Nevada. They would have gotten it.

I would love for those people to rejoin society, to come back in the fold, because we need everybody to figure out what the heck is going on, how we are going to survive. I mean, just genetic engineering alone is going to pose us with such difficult moral and ethical dilemmas. And our rate of consumption — we are just totally, totally annihilating cultures, totally annihilating ecosystems in other countries because we can. We have the capability, and they are desperate, and they are controlled by resource extraction. The resources are the last capital they have left. When we get done squeezing out those ecosystems, then what?

I may sound like a doomsayer and all that, but the effects that we're having on our environment are so profound: climate change; the effects that that has on ocean currents; the effects that that has on vegetation; the effects it has on forests. We're finally seeing it. The catastrophic fires in the West,

particularly in Montana, are a result of climate change, and well intended, but wrong-headed fire suppression. Why do we suppress fires? We suppress fires because timber companies wanted to make sure we saved wood fiber. You know, we didn't burn it up. Not saying that that's completely a bad idea, but we went to extremes, and we failed to recognize the limits of sustainability, and that's what we all need to do is start to recognize sustainability and live sustainably.

It's going to take a lot to get there. It's going to take a lot of change, not necessarily sacrifice, because I believe we can adapt our way of life and our way of looking at things and our consumption to patterns that don't create so much waste. Do you know that for every pound of product that is produced in the United States, we generate thirty-five pounds of waste?

I notice that there's a lot of packaging, compared to other countries.

Yes, it's huge. So we put them in landfills. Now we're putting garbage on boats and trying to send it to other countries. You know that there were several hundred people killed in the Philippines in a landslide of garbage? A person cannot read the newspaper, pay attention to what's going on in the world, and not feel that we are at a very critical juncture. So for someone to say, "Oh, the Forest Service has an active campaign to reduce my AUMs by 10 percent."

Oh, for Christ's sake! The Forest Service is struggling to understand what it means to manage sustainably, struggling to understand, and looking at what we have done to biodiversity, what we have allowed to happen. We're in shock. Oh, my God! What have we done? I mean, we have gone from twelve billion board feet to less than two billion board feet in the space of two decades. And now we're saying, "Oh, I don't know." We don't even know if that's sustainable, to really preserve the proper function of the ecosystems, because we gain so much by properly functioning ecosystems. They're our natural capital — oxygen, clean water, holding the soil in place, recycling our waste, and really fundamental things that humans don't have a way of replicating. We have to respect the things that nature can do for us that we can't do for ourselves or substitute for.

The Forest Service is being beat over the head by some people, and certainly politicians are saying, "I get it. We need these natural areas for what they produce and what they provide for us as a society." I don't mean so we can just go cut wood freely or graze cattle freely, but what the natural systems are producing. So, like I said, things are only going to change more. It's absolutely imperative that we all pause and decide that we're going to quit trying to hurt each other and trying to play one-upmanship and playing the blame game: "Oh, it's your fault. Oh, it's the administration's fault".

No, no, no. There are so many factors involved in this, and there's things that are way beyond our control, that it is just imperative that we pause, speak civilly to each other and say, "Where are we taking ourselves, and where is it that we want to go?" Because I submit that those are two very different locations right now: where we want and need to go, versus, where we are trying to drive the bus.

The Sagebrush Rebellion, in my mind, is trying to drive the bus into the past. We want to replicate practices that have been going on for years. However, it's those practices that have got us into the situation that we're in right now. So, shall I say amen?

In dealing with the Sagebrush Rebellion, do you think that you got the support you needed from the federal level?

No. No, I don't believe so. Do you want me to elaborate on that? [laughter]

Certainly.

For the federal level I take that in a very broad sense, and let me speak individually to different federal sectors. In terms of other federal agencies in Nevada, yes, I did get a lot of moral support, but for good reason there was a bit of reluctance to engage headlong with the opposition, if you will. Although, I think that the other federal agency heads did what they could in the context of the situation. In terms of the justice department and the U.S. attorney, no. I believe there's a great deal of fear of rocking the boat in focusing on this problem. I also believe that the U.S. attorney's office does not have the proper stewardship of public land management very high on their list of enforcement issues, and I think they are extremely sensitive to political situations and much like the other components that I will address. It is far easier and has been the modus operandi to engage very peripherally, if at all, with the Sagebrush Rebellion. Having said that, yes, the U.S. attorney's office did address the situation with Dick Carver in Nye County. However, they took the least aggressive posture that they possibly could and levied the least stringent fine and request for remuneration or recovery of lost resources. You had a question?

You're referring to Katherine Landreth's office, right?

Yes.

Something has puzzled me. At the time of the Jarbidge Shovel Brigade on the Fourth of July, there was a lot said about the fact that the participants would be charged under the Clean Air Act, and Clean water Act, and in the end, they were charged under neither law. They were charged with trespassing. Do you think that reflects what you just said?

Yes, absolutely. I could speculate all day long, and let me say that I like Katherine Landreth. I have nothing personal against her. I think she's a well-intentioned person. I like a number of people on her staff. I think they're competent and capable, but I also think that when one is in the position of U.S. attorney that there is a great deal of concern for your future, your personal future. And rocking the boat, getting enmeshed in difficult political situations or taking on suits or actions that you may not win is not the most attractive route of action.

I'm not saying that Katherine was motivated by self-interest, but I'm very puzzled as to why it took us . . . For instance, the first time that the Sagebrush Rebels, in the form of the Elko County Commission, directed the county road supervisor to attempt to rebuild the road in July of 1998, we asked for a temporary restraining order because, obviously, they *were* trespassing. They *were* damaging federal resources. They *were* endangering the aquatic life in the Jarbidge River. And whereas the state was able to come up with a temporary restraining order, or cease-and-desist order, within twenty-four or forty-eight hours, it took over three months for us to justify to the U.S. attorney's office why we required a temporary restraining order. We were ordered to do extensive reports on fire history, fire danger, on aquatic values. I almost felt as though our agency was on trial in terms of, "Prove that you need a temporary restraining order."

To the common citizen, one look and you would say, "Well, yes. If someone is taking a bulldozer to my backyard, running it around through my stream and across my property without permission and doing damage," it would seem a temporary restraining order was your simplest and fastest route to stop

that activity, but why did it take three months? Because there was a great deal of fear in confrontation. Likewise, every move that I feel that the Forest Service has tried to take . . . or at least, let me speak only to my tenure, since I don't want to make assumptions about something that happened when I was not specifically involved. But every move needed extensive justification. There were numerous times where I was personally called to Las Vegas and sat before the tribunal and needed to absolutely underscore every single fact and prove every fact. And my personal motives were questioned. The Forest Service's motives were questioned. It was a great deal of probing into the federal agency's side of it. There was no probing into the offender's side of it.

My experience with that office has been that every other federal agency that works with them, who manages federal land, is extremely frustrated with them, because cases are not pursued, and, particularly, they're not pursued if it has an element of Sagebrush Rebellion, if the person involved is a rancher, if the person involved is a native Nevadan, if the person involved is an older person. These were actually criteria that were discussed. Now, to me that doesn't sound like justice. That sounds like political maneuvering, and so I was extremely disappointed. I believe wholeheartedly that if an employee of any federal agency were to receive a prosecutable threat, that there would be active attention to following up on that, as soon as you could prove it was a prosecutable threat. I don't believe that they would have drug their feet there, but in terms of damage to the land, and, particularly, issues involving the Sagebrush Rebellion, there was a great deal of reticence in moving forward. I was told that when I got to Nevada by every one of my sister agencies.

I brought that to the attention of Senator Reid's staff. Before I even started working I said, "I'm hearing these things. I need your perspectives." And I also told Katherine and her top staff the first time I met with them that this was a concern of mine, and what could this be based on? Why would everyone tell me that there was a problem with their office? What was their perspective? We began more regular meetings and did some things to try to improve that situation. I think that the communication improved, but I think that, obviously, federal land managers and their law enforcement personal have a very different perspective on the importance of stopping actions against the land, and much more so than we sensed in the U.S. attorney's office.

Do you think maybe there's a general feel in Nevada that politically, anything involving the Sagebrush Rebellion, you want to steer as clear from as possible?

Yes. Yes, and it's understandable. I'm not saying it's excusable, but it's understandable, because it has appeared to me that one cannot engage in using logic and rationale in dealing with the true Sagebrush Rebellion believers, that they operate from a heightened emotional state. If there's a rational argument presented, they just skip it and move on to a different topic. They seem to whip themselves up into a frenzy with partial truths. They fill in a lot of blanks in describing their stories, and it gets them to a point where you have a lot of people truly believing that there are UN troops hidden in the wilderness, rather absurd things. You would think, as my husband is fond of saying, "If there were truly UN troops hidden somewhere in the wilderness, there would certainly be a couple of blue helmets with bullet holes on them hanging above garage doors."

People are out and about in the wilderness, and it's very difficult just from a logistical standpoint. If you have ten thousand troops hiding in the Jarbidge Wilderness, the amount of effort that it would take to supply those people with just the fundamental food, water, basic supplies, and keep them hidden, would be a huge logistical nightmare. And then, one would ask the question, "Why on earth would you

put ten thousand troops in a remote corner of Nevada? Where are they going to march to? Or what are they going to take over?"

Excuse me, but I don't think that United Nations troops can find their butt with both hands. When you look around the world, in Somalia, in Bosnia, they can't do anything until NATO, or some other more organized group, comes in. So this notion that there's black helicopters darting around, spying . . . If someone wanted to strike at the nerve center, it certainly wouldn't be out in the rural West. Can anyone explain to me what Dick Carver might be doing or planning that it would require a black helicopter *darting* around to try to find out?

Where did you hear about the UN troops sitting up in the Jarbidge Wilderness?

Oh, I was on a radio talk show in Twin Falls, and several callers were calling in asking me why I was turning the forest over to the UN. They told me that they had met people from the UN wearing UN T-shirts, and they said they were visiting their forest, and they were going to be camping, and they could camp where no one else was allowed to camp. I mean, very absurd stories, but people were deadly earnest in repeating them. The ten thousand troops in Jarbidge—I've heard that a number of times from a variety of people in Elko and Twin Falls. They know they're poised to strike. When you have people that have bought into these kinds of mythologies, I could sit there and deny for a year that, "There are no UN people. I've never talked to anybody with the UN. I've never seen anybody from the UN."

And then, they'd say, "Well, Gloria Flora is a liar. She's covering up." That would get them more excited. So, back to my original premise that in dealing with some of these folks, logic and rationale have no place. As I discovered, when you engage with them, you just get sucked in. Anything you say to defend yourself is, "Aha! She's hiding something," or "She's lying again." It actually whips them up.

So going back to your original question about support at the federal level, let's talk about the federal representatives: Congressman Gibbons, Senator Reid, Senator Bryan. Again, I have great respect for Senator Bryan. I think that he's a very well-intentioned, good-hearted individual. He chose to ignore the situation. Probably very wise, because, again, that's a very small minority, and he could accomplish much more, putting his energy into things that the majority of people wanted to talk about and discuss. However, I do have a problem with the lack of support.

Likewise, from Senator Reid's office, I felt as though there was almost a duplicitousness occurring. Senator Reid was contacted, I believe, by Mike Nannini of the Elko County Commission. Senator Reid then contacted Bob Williams of the U.S. Fish and Wildlife Service and me, and asked us if we would please form a collaborative group with the county commissioners, John Carpenter, Trout Unlimited, a few other people. Well, they didn't suggest Trout Unlimited, but I insisted on that, because Trout Unlimited had filed the original appeal on the initial decision to build the road. And so, we brought together all the interested parties. We agreed that we would do this again.

It cost probably in the neighborhood, I think, of about \$75,000 to convene this group. Once again, our objective was three-fold. One, to investigate if there was any way possible that a road could be built, "if money were no object." And that's a direct quote. Secondly, could it be rebuilt with no harm to the bull trout? We were going to operate in a consensus, and all parties had to agree, and we were not going to criticize each other in the paper.

We met under the direction and leadership of Senator Reid's top staff. There were two representatives from the county commission present, speaking on behalf of the county, and then a variety of people all with a vested interest in resolving the issue. We laid out the process. We discussed the

issues. We thought that the best way to go about it was to find three independent experts on aquatic environments and road construction, and give them a package of information. They would all get the same package and no additional information. They were not going to visit the site. It was just, “From this information, what can you ascertain?”

The county agreed to the contents of the package. We sent it out to the experts, brought them to Reno in our final meeting. We had about eighteen people at this meeting, including representatives from Gibbons’ staff — and he always had at least one, if not two, of his staff members present — Senator Reid’s chief of staff, John Carpenter, two county commissioners, myself, Bob Williams, some of our experts, and a representative from Trout Unlimited.

So we had this group, and we spent the better part of a day listening to all the legal requirements and limitations. We brought in the experts. Every expert, including the expert that the county selected and who serves as a consultant to the county, said essentially, “Environmentally and legally, this road cannot be built. Up the hill, down the hill, anywhere, given the current constraints that we have in, all these different laws, given the condition of the fish and given the condition of the land, this road cannot be built.”

We went around the room, and each person was asked to put their thumb up, in a neutral position, or thumb down and verbalize what they felt about what they had heard for the day. Without exception, everyone in the room put their thumb up and said either, “I understand completely,” or “I concur, the road should not be built.” Oh, and the Division of Wildlife was there. Obviously, they have been saying that their bull trout is not in trouble, but they have always said that they did not believe the road should not be built, because of the damage to the aquatic environment in general. So they were present. They concurred. Everyone, including the county commissioners and John Carpenter, said, “I concur.”

But, you know, the county commissioners did say, “Well, you know, we don’t like it, but we understand.”

What we had done, also, was attempt to build a compromise package in that Senator Reid was willing to bring as much money as necessary to Jarbidge to improve the road coming into Jarbidge, to fix some of the blind curves, to prevent as much sediment from getting into the river, to build another campground, to attempt to improve the economy of Jarbidge, and that we would build a trail. Not only would we just build a trail, but we would try very hard and have the proposed action in the environmental assessment, that we would build a motorized trail, so you could take ATVs all the way to the old trail head, include additional campsites wherever we could. So we had a compromise package. Actually, in terms of road width, probably two feet is how close we came to actually agreeing to build a road, but certainly there were caveats. The U.S. Fish and Wildlife Service would have to do their biological assessment to ensure that the fish weren’t going to be impacted, and litigation and all that.

I am making this a long story, but I think that it’s very important. This was in April of 1999 where we, all the parties, came together collaboratively and came to consensus that a road could not be built, including the county commissioners. We also agreed that we would not attack each other in the paper. I believe it was about twenty-four hours, the county commissioners came out in the paper and said they were railroaded, that I was a liar, that I threatened them, that they were intimidated, and that they voted five to zero to reject the findings of the committee and the experts, and that they were not going to participate. I thought at that point everyone was like, “Well, what the hell? You sat in a room. You gave your word. No one was railroaded.”

I was not running the meeting. It was Senator Reid’s staff that was running the meeting. Gibbons’s staff was sitting there. Everyone watched everything that transpired. And yet, we had a couple

of players say “yes” in the meeting, go outside the meeting and say, “Oh, no! It was terrible! We were forced.” They were not forced in the least. So, how do you deal with someone who can’t keep their word? How do you deal with someone who comes into a collaborative group, and as long as they get their way, they’re present and they’re agreeable. If they don’t get their way, they say the whole thing is trash?

I expected Senator Reid to say, “Look you folks. You asked me to intercede. I interceded. You asked the federal agencies to come back to the table one more time. They came back to the table. You asked your own experts what to do.”

Did Senator Reid do any of that? No! Did Representative Gibbons do any of that? No! Representative Gibbons attacked me in the paper within a month saying that I was intransigent, I refused to collaborate or cooperate, I refused to compromise, and it was exactly the opposite. When I challenged his staff on that comment they said, “Oh, he was referring to the Washington office.”

I said, “What do you mean?”

“Well, he just said the Forest Service is refusing to cooperate and collaborate and compromise.”

“Well when you read it in the local paper, the Forest Service means the Humboldt-Toiyabe.”

And they said, “Well, no, he meant the Washington office.”

I said, “Then retract the statement or clarify the statement.”

“No, we don’t think that’s necessary.”

So again, although not excusable, you can certainly see why politicians either want to just fully support the Sagebrush Rebellion or stay the hell away from it, because it is a no-win situation. What I was told in private from Senator Reid’s office about his feelings, what his staff expressed to me, was very different than what came out in public. I felt that was pretty low. I was very disturbed about that, because Senator Reid came out and said, “Well, we’re going to keep trying to get that road built for you.” Well, yes, as long as he’s on the budget committee and can make sure that an absurd amount of money is directed towards that road, yes, he could probably rebuild it. He could rebuild it if he just built the bridge that actually ran over top of the river lengthwise. From internal support, yes, I was getting a lot of quiet internal support in my own agency, but in terms of taking them on directly, again, it was very careful political negotiations, because you didn’t want to offend the justice department or put them off, didn’t want to offend any of the senators or the representatives. By this time Helen Chenoweth-Hage had become involved, married to Wayne Hage, one of the leaders of the Sagebrush Rebellion, who is suing the Forest Service for 26 million dollars. She turns around and calls for a public hearing in Elko to bring me before her tribunal to question me on why I am doing this to Elko County. She also appeared with her husband twice before the Elko County Commission to discuss how to handle the Forest Service. When I challenged her publicly, saying that I thought that because her husband was suing my national forest for 26 million that she had a conflict of interest in trying to bring this hearing about.

Did she have an obligation? Isn’t she head of public lands?

She is the chair of a sub-committee and the resources committee. Did she have an obligation? Not anymore so than anyone else would in Congress. And if she did feel an obligation, she personally didn’t need to be there, which was my point. Helen Chenoweth has a long and colorful history for being one of the few congressmen, as she prefers to be called, to identify individual forest supervisors, and she does this across the nation and has these almost kangaroo courts. She had her husband’s attorney as one of the witnesses, because her excuse was that, “He’s an expert on RS2477 roads.” So the panels are always stacked. Out of, I think, five panels, four of them . . . well, one of them might have had a couple of

environmentalists. No, they had Matt Holford. Basically there'll be four panels of people who preach the rhetoric and get all excited, one panel of federal employees and an enviro or two, and it is more of a public beating. That's her modus operandi. And frankly, at that point I was concerned enough for my personal safety that I really didn't want to sit with my back to 450 angry people. She also had a fundraiser, a Republican fundraiser, immediately following the hearing. I felt that that was unethical: the whole hearing, her involvement in it, her reasons for being involved in it. I thought there was certainly a political agenda there that had nothing to do with trying to resolve the issue.

Do you feel federal support has changed during its different administrations, maybe not necessarily just for your recent position, but for the Forest Service in general in dealing with local tension?

From my perspective it's actually been fairly consistent. Republicans enjoy the rhetoric but have not really done anything to either help or hinder the Sagebrush Rebellion folks. When I look at the twelve years with Reagan and Bush, Republican presidents, and for a good portion of that time a Republican-controlled Congress, you would have thought that if sentiments were largely in favor of the Sagebrush Rebellion, that there would have been some kind of significant changes in the level of local involvement, in the privatization of public lands, in altering some environmental statutes, such as the Clean Water Act, Clean Air Act, Endangered Species Act, National Forest Management Act, Federal Land Management Policy Act, NEPA (National Environmental Policy Act). Any of these, you would have thought, would have been the targets if the Sagebrush Rebellion was truly viewed as a valid or legitimate political pressure. My opinion is that on the national scale the Sagebrush Rebellion means very little. I don't think that it has the power or the force to really alter the way business is being done. They are a voice. They are an influence with those of us who work very closely with them; it's a very big deal. On the grand scale of things, it's not a very big deal. Obviously the Sagebrush Rebellion issue and related issues like RS2477 have popped up repeatedly, but I haven't seen any very significant actions as a result of their rhetoric.

Do you think the Clinton administration has had any effect on the Sagebrush Rebellion, then?

I believe, as I may have said earlier in the interview, perhaps the last time that we talked, that Clinton is no environmentalist. I don't know that he deeply understands the issues. I don't know that he cares to actively engage in them, but he's a very smart politician. He reads the polls. He knows what Americans want, and he responds to that. How has he been able to behave as he has behaved and still get by and still have support? I mean, you would think, if he was a poor politician, as well as a person of questionable character . . .

So all these national monument designations and the roadless initiative, those were not just, "Let's shoot wildly from the hip and see what's going to happen." He's too clever for that. He reads the polls. The American people love this stuff. They want their natural resources protected. And do they understand the issues? Some of them do; some of them don't. My contention is that to be effective, natural-resource-dependent communities need to speak civilly, loudly, clearly on what the ramifications of certain decisions are to them and present solutions or alternatives that will lessen the negative effects to their communities. When people are running around, shouting, "Remember Waco? God's on our side! We are going to over-throw the government. We're the Republic of Elko. We're a sovereign state within this nation," the rest of the American public looks at them and says, "Oh my God! They're lunatics."

So, at what point do these people believe that their rhetoric is going to encourage the American public to listen to them, to act upon their requests, to give them more local control? If anything, their kind of behavior is leading to less local control and less local influence, because the rest of the Americans look at them and say, “They’re crazies! We don’t want crazies deciding what’s going to happen on our public land.”

So they’re really shooting themselves in the foot every time they come out with personal attacks, with these wild-eyed statements about the black helicopters and the tank traps and this kind of rhetoric, because it really doesn’t resonate with the majority of people.

Let me make a comment about the roadless initiative, as long as we’re on this. I was very surprised — *very surprised* — at the speed at which the roadless initiative just popped up, and, “This is it!” Yes, it’s very wise, when you already have 380,000 miles of road in national forest of which you can only maintain about 10 percent, that it really is time to stop building more roads and look at your infrastructure, try to improve your infrastructure before you move forward and start to build more roads.

So, I agree with the actions. However, because of the speed at which it came forward, the forests were not prepared to address the issue. A lot of us did not have maps available. We didn’t have the information tabulated in terms of acres, in terms of effects. In many cases, the effects were not that great at all, but it was a startling pronouncement, and people were screaming, “We need a year-long public comment period.”

However, the administration knew full well that the American public was more than ready to support this. A poll conducted by a Republican polling firm identified 74 percent of Americans were in favor of the roadless initiative, 56 percent strongly in favor. I’ve read the actual survey, and it wasn’t like there was some euphemistic kind of wording where anybody who likes apple pie would say yes. It was very clear about what the intent was, what the effects would be, what the limitations would be, how it would change motorized access. The description was very straightforward, and yet, you have 56 percent of people *strongly* supporting, 74 percent total, and 62 percent of Republicans questioned supporting the roadless initiative.

So, when you look at that kind of groundswell, and then look at the logic of the public comment period, this roads and access and roadless areas — that whole package — has been cussed and discussed, and people pulling their hair out for twenty-five years over this issue. Access is *the* most contested issue on public lands. We’ve been discussing it for twenty-five years. The Forest Service’s rationale for not extending the comment period . . . what more can be said? We have said it, we’ve said it, we’ve said it. We’ve gone round and round. Move forward one way or the other.

Now, one thing that I will agree that the opponents of the roadless initiative are very upset about — and I agree with them — the range of alternatives was not broad. The range of alternatives was much more limited to the conservation side. That was probably a very realistic thing to do, because you’re not going to have a roadless initiative to not build roads in the unroaded areas, and then have an alternative that would build more roads in roaded areas. That really defies logic. Although, discussing the environmental effects of that may have elucidated the issue somewhat.

I think that the angst that the Sagebrush Rebellion people are feeling, that they’re directing at the Clinton administration, is really, once again, that reaction to the understanding and the realization that the majority of Americans do not agree with them. The majority of Americans are much more sensitive to the management of public land, and they [the Sagebrush Rebellion] are becoming less and less effective and less and less able to bring about some retraction of environmental regulations, which is one of the things that they are aiming for. So, again, Clinton becomes the target. Really, they have the same input. It’s just

that there's a lot more people inputting the opposite, and a lot of people locally, you know, who don't agree with the Sagebrush Rebellion.

Let me throw in this on the roadless issue. If there were something incredibly important, economically, to go after in a roadless area, we've had a hundred years to go after it and build a road. So, if we haven't taken the time, the effort, the energy, or the money to go build a road in an area that's currently roadless, there is some damn good reasons for it. Either the road is too hard to build or there's nothing in there worth building a road to go after. So it's not really that dramatic of a proposal. It feels dramatic, but it's not. It's merely saying, "OK, status quo. We're just going to pause where we are and not encourage further development." We've lost, someone was telling me, like ninety-seven acres a day. In the past twenty years, we have lost ninety-seven acres a day in terms of wild or unroaded areas. And another interesting fact: we have more acres in the United States that are paved than we have in wilderness. I may have said that before. But people like to paint the picture like we're just hog wild, locking up every nook and cranny and keeping everyone out—and it's really not the case. It's a very jaded perspective, in my opinion.

NORM GLASER

Susan Imswiler: I'd like you to describe the events as you remember them that led up to what later became known as the Sagebrush Rebellion.

Norman Glaser: Well, thank you. It's a pleasure to have you visiting with us in our home here at Halleck in Elko County, and to talk about the Sagebrush Rebellion, which is dear to my heart. I guess the genesis of the Sagebrush Rebellion started in 1975 when I was thinking about running for the senate. During the election campaign of 1976 I had an opponent by the name of David Horton from Battle Mountain in the Democratic primaries. David's primary thrust was to cede the public lands in the state of Nevada and in the West to the respective states, including Nevada.

I prevailed in the Democratic primary, so I became the Democratic candidate. David came to me later—we were good friends and had a friendly campaign—and he said, "Norm, I'd like to have you introduce some legislation that would start the ball rolling toward state ownership of these vacant public lands in the West."

So I said, "David, I'll do it. I'm not as familiar with the subject as you are, but if you will give me some assistance, I'll get a bill drafted and I'll introduce it.

When I got into the general election I was fortunate enough to prevail in that, and I was elected to the state senate. The first session was in 1977. True to my word, I went to the bill drafter, and I took the material that I had on states' rights and state ownership. Come to find out there already had been quite a bit of research done on the possibility of the state of Nevada acquiring the public lands. Rick Blakemore [Richard E. Blakemore] was the chairman of that— Senator Blakemore.

That occurred back probably in 1973, but the research that was done at that time wasn't all that extensive. It wasn't very aggressive, and it was a kind of an iffy situation bordering on the constitutionality and supremacy clause and states' rights and equal footing.

The Legislative Counsel Bureau researcher was a young lady. I forget her name now, but she published a manual. It was early days, so that's about where it sat until I was elected. I went into the bill drafter, Frank Daykin, and told him what I had in mind, and he said, "Well, I'll draft something up for you." And he did.



Norm Glaser. *Photo courtesy of Norm Glaser.*

About six weeks into the session, or maybe two months, he gave me the bill draft. I took it down to the secretary of the senate's desk to be introduced, and I put my name on it—Senator Glaser. They assigned a number to it, Senate Bill 240. As the title was read to the senators, Rick Blakemore, who was sitting right behind, said he'd like to have his name on the bill, too. So it turned out to be Glaser-Blakemore introduced this public lands bill which actually started the Sagebrush Rebellion, because it stated in no uncertain terms that in order to comply with the equal footing doctrine and treat all states the same, the state of Nevada should come into the union with more land than they actually gave us.

So the bill was introduced, and it went to the senate committee on natural resources. Senator Joe Neal was the chairman of that committee. Joe Neal was one of the first black senators elected in the state of Nevada. It had been my first experience meeting with Joe, and he seemed to be a very fair-minded and receptive sort of individual about this new concept of stripping the federal government of all the public lands and ceding it to the state of Nevada.

So Joe got the bill, and we held a hearing on it. He said, "Well, Norm, you have the votes on this committee to get it out. I'll vote to get it out with you, and we can get it out on the floor of the senate. It's getting kind of late in the session now—session had gone on for about four months.

I said, "It's getting late in the session, and we will have to get it over to the assembly then. We can probably get it through the senate. There's going to be some opposition, and particularly from Cliff Young . . . Senator Young. Senator Young was the president of the National Federated Sportsmen, I think it was, and he liked the status quo. I guess he felt that if that was all public lands, then they had the right to hunt anywhere on it. If it turned into private lands, he wasn't so sure what the status of the hunters would be.

So Cliff Young would be the primary opposition in the senate. But Joe said, "I think we can get it through the senate." There was a democratic majority in the senate. "We can get it over to the assembly. However, it's late in the session, and I'm afraid we wouldn't be able to get it through the assembly, too.

Why don't you wait till next time? Introduce it early, and we'll get a fresh start on it." I told Joe that sounded like a good idea, and so we just held it in the natural resources committee of the senate until the next session.

The bill had quite a bit of favorable publicity. One of the proponents of it in Elko turned out to be the editor of the *Elko Daily Free Press*, Mel Steninger. Mel thought it was a great idea, and I got a few good editorials written about it. At the time I was a senator, my first term in the senate; it was Dean Rhoads' first term in the assembly. He was over in the assembly, and I was in the senate, so the next session we rode back and forth together in the car. At that time we didn't have good air transportation like we have now, and at that time the state of Nevada didn't pay your way every weekend. They paid your way down at the beginning of the session, and they paid your way home at the end of the session. If you came back and forth between that, why, you were on your own.

I was riding back and forth with Dean then, sometimes in his car, sometimes in mine, so I told Dean what I had in mind. I said, "Next year I'm going to introduce that bill. Get a fresh start on it."

He said, "You know, would you mind if I introduced the same bill in the assembly?"

I said, "No, not at all. I don't care who introduces it, just so it gets introduced and, hopefully, gets passed."

The next session we had the same bill drafted and introduced in both houses. I was chairman of the senate committee on taxation in that second session. That would be 1979.

Nineteen seventy-seven was my first year as senator; 1979 was the next session. That's when we co-sponsored a bill. He introduced the same bill in the assembly, and I introduced it in the senate. The first one that got into the other house we'd process. We had a gentlemen's agreement on it.

The Democrats in the senate had a majority, so they organized. That means that they get to be the chairman of the committees, which is a rather prestigious situation. So in 1979 I was made chairman of senate taxation. I was on the senate natural resources committee, and I was on the senate committee on finance. Senator Lamb was the chairman of the senate finance.

There are three heavy committees. Finance met all morning, every day. Taxation met in the afternoon three times a week. Natural resources met in the afternoon twice a week, on the days that taxation didn't meet. So I had a real heavy schedule.

Over in the assembly, Dean was in the minority party, so he wasn't the chairman of anything. He was on the natural resources and agriculture committee, which handled the Sagebrush Rebellion Bill, so he was able to really go to work on it. He took to it like a duck to water. I mean, he just jumped in with both feet; did a good job. I think there's what—forty-two assemblymen? He got about thirty-five to co-sponsor on the bill, so he had heavy co-sponsorship, which means if everybody that co-sponsored voted for it, it would pass.

So then, he came over to me, and said, "Norm, you better go to work on that Sagebrush Rebellion Bill. See what you can do about getting co-sponsors." So I packed it around, and I pleaded, and I begged, and I explained to my colleagues in the senate what the situation was with the public lands and how the bureaucrats, both in the Forest Service and the BLM, had been pistol-whipping the cowboys and bushwhacking the sheepherders and the miners, and that we needed some state sovereignty, and we needed to broaden the tax base, and a dozen other good reasons why the state of Nevada should increase their ownership of the vacant public lands. So I was able to get out, of the twenty-one senators as I recall it, twelve of them to co-sponsor, which meant I had a majority, too.

As it turned out, of course, Cliff Young was my most bitter antagonist. Cliff was a very articulate speaker, a polished attorney, and he is now on the bench in the supreme court. He's been the chief justice.

I'm not sure he is this year, but they rotate the chief justice around. Cliff, after he retired from the senate, ran for the supreme court, which position he still holds.

I had a very formidable opponent in Cliff, and Cliff uses a lot of humor in his presentations. He's great on telling stories and jokes and gets people coming into the palm of his hand and leads them right into things like that. I knew I had to do something like that, so I got out this book by Will Rogers, and I used some cowboy humor. Cliff and I got up and debated each other, and we passed the bill out of the senate.

So the senate bill went to the assembly; the assembly bill went to the senate; and we decided to go with the assembly bill, because Dean was doing such a good job with it, and he had more time to work on it. In the meantime, other states began to pick up their ears on what the state of Nevada was doing relative to public lands and state sovereignty and this type of thing, so they made inquiries.

Dean began to fly all over the West to the various states: Wyoming, Arizona, Oregon, Washington, California. As a result of his efforts, other states began to pass similar legislation. As I recall it, there was about half a dozen states that also passed Sagebrush Rebellion bills. One was Wyoming; Arizona, I think; Colorado. Washington was working on it; I'm not sure they passed it. We never could get too much interest in California, although 50 percent of the state is probably [mining] claims. We worked on California.

The Western Council of State Governments met in Reno, and one of our big presentations was on the Sagebrush Rebellion. We had Cliff Young as a speaker on it, just so that they could see the other side of it, but nevertheless, the Western Council of State Governments passed a resolution favoring state ownership of vacant public lands.

Interesting enough, the State of Arizona passed the bill. There's a fellow down there by the name of Joe—can't remember Joe's last name—who was the leader there, and they passed it. The governor's name was Bruce Babbitt, and he vetoed it. So then they had to go back and pass the bill over the governor's veto, and they did. I think that's one of the reasons to this day that Bruce Babbitt is kind of anti-West, that he suffered a defeat at the hands of the state legislature there on public lands. No. That was 1979. At that time we had a Democratic president. I think Jimmy Carter was the president.

We had a secretary of the interior that was from Massachusetts [Cecil Andrus]. The year that I first introduced the bill, Mike O'Callaghan was governor, and Mike didn't like the bill. He was kind of like Bruce Babbitt; he didn't like the bill. He said, "Glaser and Rhoads are good legislators, but where do they get those kooky ideas?"

At any rate, the year we passed the assembly bill through, that Dean Rhoads had sponsored, Bob List was the governor, and Bob went along with it and signed it. There was no veto.

We had an attorney general by the name of Richard Bryan, who is now a United States senator. Richard Bryan went along with the concepts of the state sovereignty and state ownership of the vacant public lands. Once we got the bill through both houses, it was signed by the governor.

Two particular federal acts I'd like to ask you about are the 1964 Wilderness Act and the 1976 Federal Land Policy and Management Act, which was essentially the BLM Organic Act. What effect did those have on ranchers and miners in Elko County? How did that get the ball rolling up here?

They were rather complex pieces of legislation that tied in with the Taylor Grazing Act and augmented it. In some respects the Federal Land Management Policy Act seemed to be a good thing, and our congressman then, Jim Santini, voted for it. After it was invoked we found out that the shoe pinched

us, both the miners and the ranchers. There were clauses in there that were adverse to us. The miners and the ranchers realized they're both minorities, not only in the state of Nevada, but nationally, so we've kind of teamed up together over the years, and we supported the miners, and the miners have supported the ranchers. I don't know. I can't tell you too much in detail about those pieces of legislation. I've kind of lost touch with them.

What was the first indication you had that this was going to be a little bit bigger than just the usual griping against the feds?

I think when the snowball began to roll through the Nevada legislature, and other states got interested and jumped into it. Then I could see that there was unrest all over the West. There was a magazine, *Time* magazine, I think, came out. It shows a cowboy on the front with a rifle and says, "The Angry West."

In 1981, when Carter was president, Jim Santini was our Democratic congressman, and Howard Cannon was our senator; I guess Paul Laxalt was the senator then, too. We made several trips back to Washington, and Rick Blakemore was the chairman of the public lands committee. He was chairman of that, and then I became chairman. Now Dean Rhoads is chairman. We went back there, and we tried to stimulate interest on a national scale, and we talked to congressmen and senators.

It's very difficult to get in to see a senator and a congressman, if you're not one of their constituents. It's tough enough to get in to see your own senators and congressmen, because they're very busy people, but we had a few doors opened for us, and particularly in the West, the western senators and congressmen. Those in Idaho were very amenable to us.

Jim Santini was very hospitable, and he helped, because he just turned his office into a Sagebrush Rebellion office, and so we just fanned out. We were just like Mormon missionaries. We went all over Capitol Hill passing out documents and talking to anybody that would listen to us. Most of the conversations we had were not with the senators or the congressmen themselves, but they were with the staff people. You go in to see them, and they'd be too busy to see you, but they'd send their staffer that had to do with natural resources, grazing, or agriculture. So we did get their ear.

There was one office that I did get into to see a congressman; today he's a United States senator by the name of Trent Lott. I got to talk to Trent Lott personally, because I had an entree from a neighbor rancher of mine by the name of Jay Cross, who had been a fraternity brother of Trent Lott's down at Ole Miss. He sent a letter, and he called Trent Lott and said, "I would like to have you see my friend, Norm Glaser." So I got to go in and see Trent Lott, and he was very hospitable and very interested in our case. He said, "Yes, you have my vote on it. I understand what you're trying to do." He read a letter from a constituent of his that had to do with some set-asides up in Alaska way, and he said, "This fellow should know better than that. He's a doctor." He read the letter to me, but . . .

So Trent Lott was one of the ones I saw often. This legislative committee on public lands for the state of Nevada wore out a lot of shoe leather on Capitol Hill running from door to door and office to office. We even hosted a big dinner back there down at a seafood restaurant on the Potomac River, and we invited our delegation. Oh, yes, Barbara Vucanovich was back there that year, and Harry Reid. They were both congressmen. Senator Laxalt and Senator Cannon were the two senators. It was very disappointing.

State of Nevada sent this delegation back. We had all kind of table decorations, sagebrush, blue and silver ribbons, and presentations—and the only one that showed up was Harry Reid. Barbara

Vucanovich had an excuse. Senator Laxalt had an excuse. Senator Cannon had an excuse. However, they did send their staffers. We got to see them at other times in their office, but they didn't come to dinner that night. I guess those people get hosted all the time to dinners, and the knife and fork and the mashed-potato-and-gravy circuit gets to be old hat to them.

Did you take part in the 1980 LASER [League for the Apportion of States Equal Rights] conference in Salt Lake City?

Yes. Yes.

Tell me about that.

It was well-structured. I can't remember the man's name that headed that up. He came to Carson City a time or two, and he stimulated our interest. It was a well-attended meeting. It seemed like it had a lot of steam, a lot of things going for it. But after a meeting or two—annual meetings—why, it petered out.

The Sagebrush Rebellion itself, at the national level, petered out at about that point in time, about 1984. I can't understand why, because it seemed like while the Democrats were in power back there, everybody seemed to know who the enemy was. It was the Secretary of the Interior, and our congressional delegations were all trying to help us.

Things changed after the 1980 election.

President Reagan got in as president, and as he was running he said, "Count me in as the Sagebrush Rebel." He got back there, and we got Laxalt back there, and I'm not just sure who.

Wasn't there also the perception that Cecil Andrus was kind of on your side?

Oh, yes, Cecil Andrus.

So that just sort of evaporated?

We just kind of evaporated at the national level. We couldn't get any enthusiasm. We'd sent Dean Rhoads back there several times, and he came back, looked like he'd been whipped over the head. Apparently, I think there was some infighting between some of those Republican senators, and I'm not sure just what it was between Laxalt and Hatch and the senator in Idaho. Anyway, some friction developed there, and the Sagebrush Rebellion just kind of fell apart.

At the state level it seemed to have lost its steam along about 1984 and, although Dean Rhoads had been chairman of the committee on public lands, they really haven't fomented the Sagebrush Rebellion like it was in the early days: "We're going to throw the feds out and take over." There just wasn't that enthusiasm anymore, and the possibility didn't seem to exist for the states to do that. As somebody said, "Well, what was settled at Appomattox?" They didn't want any more rebellion; seemed to think that was the end of it.

However, you mentioned FLMPA, Federal Land Management Policy Act. I've never seen the wording, but somewhere in there is a clause that before a plan of operation within a county can be drafted by the Bureau of Land Management or the Forest Service, it has to agree and have the concurrence of the county commissioners, and some little obscure county down in New Mexico—I can't remember the name of it right offhand—happened to stumble onto that. So they bowed their back, and they said, "Wait a minute. You can't do this. You can't close those mines. You can't run those ranchers off. You can't do this, because that's not part of our plan. It says right here black on white passed by Congress that you've got to agree with the county commissioners."

So, other counties begin to perk up their ears here in the West, particularly in Nevada now. Nye County kind of took the bull by the horns and jumped in there and bulldozed open the road. Lately Elko County has opened the Jarbidge area, has tried to reconstruct a road.

They've gotten cross-threaded with the feds on that. But it seems like now the counties are in a better position than the states to push the Sagebrush Rebellion, because of this obscure passage in the Federal Land Management Policy Act, than apparently the people that like federal ownership—it slipped by them. Somehow it seemed innocuous enough at the time, but yet it seems to have a lot of weight now.

How accurate is it to suggest that the property rights movement and the wise use movement are all outgrowths of the Sagebrush Rebellion? It sounds to me like the county supremacy movement definitely was.

Yes. I think they're aftershocks of it. I think the initial Sagebrush Rebellion by the state of Nevada and by the legislators that were involved in it, including myself and Dean Rhoads, probably brought this to the attention of enough people. There's an old saying, "An idea once awakened will never sleep."

The philosophy of state sovereignty and county sovereignty and that the government closest to the people governs best seemed to fit in with the Sagebrush Rebellion movement, and so the counties have taken ahold of this thing, and they seem to be in a stronger position to move it forward at this time.

And a lot more: Eureka County, Elko County, and this county in New Mexico; I think you're going to see a reawakening of this. At the national level sooner or later, somebody might say, "That's just not fair that we've got eleven states out West, where on an average only 28 percent of the land within their boundaries is owned or controlled privately or by the state."

There may be a land equalization-type legislation, where at least they would grant to the states 50 percent within their boundaries, which would be quite an improvement here in Nevada where it's about 86, 87 percent [federal].

What part do you think that the environmental movement in the 1970s played in stirring up the Sagebrush Rebellion? The environmentalists seem to be making real inroads in federal policy.

Yes, I think it was a factor along with an aggressive bureaucracy that was not very responsive to the people. I wouldn't call it the environmental movement. We're all for the environmental movement. I am, too. But these people were what they call preservationists. They wanted to preserve the status quo at some point in time. If they'd, say, applied it back in the time when the Indians owned Manhattan, why, that would have been the point in time. It depends on whatever point in time seems to suit them. These

preservationists can get kind of obstreperous in that respect. But as far the environmental movement, everybody is for conservation and saving the soil.

You've done a tremendous amount of that yourself on your ranch, haven't you?

Yes, we've done a lot of that on this ranch.

Would you say that the perception that the federal land managers tended to be more sympathetic to the preservationist groups, while the state land managers were more sympathetic on a local level to ranchers and miners, was fairly accurate?

I think some of the state and local bureaucrats were sympathetic, and they would like to have helped out the miners, and they'd like to help out the ranchers. They would have liked to help out the ranchers, but their hands were tied by federal rules and regulations and people higher up. I know they felt frustrated. I'd go and talk to them. "Mr. Glaser, I'd like to help you, but we'd have to go through the state office."

So we go to the state office, "Well, we'd like to help you, but we'd have to refer this to Washington." And by the time it gets back here, why it's too late; it's water under the bridge.

One analysis suggests that 170 percent growth in western cattle population at the same time that there was a 36 percent increase in AUMs between 1959 and 1978 brings into question whether the growth of environmental regulations really did hurt western livestock interests. Do you think that was an accurate assessment?

I would doubt that, because in the state of Nevada cattle numbers have been going down. Sheep numbers have been going down. I don't know where this political scientist got his facts or figures, but there's an old saying that, "Figures don't lie, but liars figure." There's another one, "Statistics are like a bikini bathing suit: what they reveal is interesting, but what they conceal is vital." So, I think that his figures are erroneous. I think he's trying to prove a point.

I know when I was in the legislature I had a fine lobbyist by the name of Bob McAdams, who worked for the Bell Telephone Company. He was telling me that he was trying to prove a point in his company, and he went to this young engineer, and he was hemming and hawing around and was out trying to lead the engineer to a certain conclusion. Finally, the dang engineer threw his pencil down and said, "Mr. McAdams, tell me what you're trying to prove, and I'll develop the facts." Now, I think that this professor at the University of Wyoming reached a conclusion; then he went back and tried to develop the facts.

It certainly wouldn't bear out here in the state of Nevada.

We've had declining numbers of cattle, declining numbers of sheep, and I think that situation has been pretty much true across the West. These regulations and the cuts and AUMs have decreased cattle numbers.

Has that affected you personally?

It affected us personally, to the point where we had to step out and acquire as much private land as we could, and to the point now that we could almost run as many cattle as we are now on our own private land without BLM land, because we were so apprehensive about the way things were going: rules, regulations, grazing fees. One of the ways they could get rid of the western rancher pretty fast—and they tried to do it—was raise the grazing fees so high he couldn't afford to pay it, so he goes out of business.

So pulling AUMs has had a direct financial impact on you. You've had to go out and buy more private land.

Yes. And we're deep in debt because of that.

Getting back to the legislation that was written in the late 1970s, do you think that the states, particularly Nevada, would have been in a position financially to carry out a multiple use management mandate, if the lands had been transferred to the state level?

Oh, I think so. Yes.

How would they have come up with the money to do that, to essentially finance the bureaucracy?

Well, to begin with, they could lay off a lot of people that are now on the payroll of the federal government. You go into the Elko BLM office. There's a hundred staffers in there shuffling papers from one to the other, and there's only one or two in there that are actually going out on the range and improving it, like a bulldozer operator or somebody that's spraying weeds or somebody that's seeding grass. The rest of them are all paper shufflers.

I think if the state of Nevada got ahold of it . . . They have a land department now, anyway, and Pam Wilcox is the head of that. She'd probably have two or three people. But if the state did acquire the land, probably with the addition of a dozen more people in her office, she could have administered it. That would be a good question to ask her. Tell her I have every confidence in her ability to do it.

But there are also other incentives, and the BLM is kind of doing that to some extent now. They could give the rancher more responsibility for his own range, and once every ten years they could have a range evaluation study and go out and count the grass and the forage and the herbs and all that. If the range is maintaining itself or increasing, then continue to lease it to that rancher. If it's going downhill, without a good reason other than a drought, then that would be the case where that rancher ought to come under scrutiny and maybe be reduced in his grazing license.

The state could have done that—provide more incentive at the private level for them to go out and put in water troughs and use rotation and deferred grazing and this type of thing—in 1931.

You argue that Nevada's lack of a property tax base, because it only has 13 percent of the land, led to the legalization of gaming.

There's a financial cross yet at the state level, and the competition is tremendous among the state agencies and the university and the school systems for tax dollars. The fact that we didn't have much of a tax base in 1931, which was in one of the depression years, caused the state legislature to look at possible ways to do that.

Now, in 1931 they did have back room gambling, and it was illegal. So, this cowboy from Winnemucca—what the heck was his name? I can't remember his name offhand, but I'll think of it in a minute. He realized it could probably cure two ills with one bill, and that was legalize something that was going on illegally, anyway, and the second thing was possibly a source of state revenue. Now, he didn't put much credence in that, because he had no way of knowing how that was going to pyramid to its present position—what are we getting now off the gaming industry—a billion dollars a year? Something like that. So he didn't realize it was going to be such a windfall for state revenues, but I guess in the back of his mind he thought, "Well, there's something we could legalize and tax."

When I first went into the legislature in 1960, which was just a mere twenty-nine years after the gaming bill was introduced and passed, we were still struggling, trying to regulate and trying to tax gaming, and it's been a constant shifting and maneuvering back and forth. Even this year Senator Joe Neal has introduced legislation to increase the taxes on the gaming industry. And actually, the only excuse for gaming is for the taxes.

How big a part do you think that East/West sectionalism may have played in determining federal land management policies and ultimately blocking the rebellion in the West? Do you see any kind of sectionalism between an urban East and a rural or ranching West?

There is a little of that, because the Easterners have no concept of the problems that we have out West. For example, when they passed the Homestead Act of 160 acres, that worked well in the East, and it worked well through the Mid-West, but when they got to the Rocky Mountains, the land became so desolate and barren that 160 acres wouldn't sustain a family. So they sent a fellow out by the name of Colonel Powell after the Civil War. Colonel Powell analyzed the situation, and he went back and made a report and said, "Out West you got to have at least nine sections to equate to the 160."

Nothing was ever done with it. They put that study on the shelf, and there wasn't any sympathy back East to nine sections. No way were they going to give away nine sections to the homesteaders.

I noticed I've belonged to several organizations that are national in scope, agricultural organizations—the American Farm Bureau and the Cattlemen's Association. I know when they were trying to increase the grazing fee, I went back to Chicago, and I was talking to my agricultural friends on the committee about needing some support to oppose the increase in the grazing fees, and they didn't think we were paying enough as it was. They couldn't understand how we could lease this ground for the few dollars a month per head that we were, when they had to pay three or four times that much, but of course, they don't realize the difference in Illinois pasture and Nevada pasture in the Great Basin.

So I've noticed, as the question you asked, that they don't have a great deal of sympathy and understanding from our Eastern counterparts even in agriculture, although there's some. They will support us, but not that enthusiastically. They just don't seem to grasp it.

"Wise use" is a term that was bandied about quite a bit. Cliff Young was one of the proponents of wise use, but no one has ever been really clear on what the definition of that is. How would you define wise use, and what do you think about the wise use movement?

I'm not too clear either what the definition is of wise use. My definition of wise use would be the vast use of a piece of property or ground or parcel that would generate enough economic income to sustain a family and yet maintain the environmental health of the land.

So it's a pretty delicate balance.

Yes. You can abuse a piece of ground, and maybe you can maximize the income off of it by abuse, but in the long run it's not going to work out, because sooner or later, why, you run it into the ground, and then it fails to produce for you.

What about the idea of privatization? This was one of the ideas that came up under Reagan, to privatize a tremendous amount of the federal lands. Do you think it's a good idea or a bad one?

At that time I think Secretary Watt was secretary under President Reagan, and on the surface of it I liked it. I'd like to see it privatized. But when we got down to it and our committee considered it, we voted against it. Jim Santini, our congressman, voted against it for the simple reason that to privatize would mean that the ranchers and farmers out West would have had to *buy* that land. Most ranchers and farmers are economically strapped, where they can't afford to do it.

At the time that was being proposed, the ones that seemed to have the most money were the Japanese and the Arabians, from oil money or automobile money, or wherever they came from. So there was a fear that those kinds of people would jump in there, and they would buy the land. But basically it's a good idea. I don't know how we could privatize it and get it into the hands of the people that should live on the land, if they can't afford it.

Do you think that the Sagebrush Rebellion left its mark in any way on federal land policy?

Oh, I think so. I think that it left its mark on federal land policy and also federal land managers. I noticed they're more cautious, and they seemed to be amenable. They were easier to work with, let's put it that way. You used to go in there with your hat in your hand and ask for a favor, and they'd turn you down flat. It got so after the Sagebrush Rebellion that at least they'd give you a little consideration, and they'd make an attempt to help you, even if they couldn't because of some higher-up federal regulation, but it was easier to work with them.

What do you think men like you and Dean Rhoads have specifically accomplished for Nevada? Do you think you've accomplished anything lasting out of the Sagebrush Rebellion?

Oh, I think so—kind of like Columbus when he discovered the New World. He didn't do much by just finding that island down there, but he opened up a whole new concept that hundreds of years later became one of the greatest economic forces in the world: the United States of America.

I don't know if it will ever increase to that magnitude, but I think we've kind of opened the door, and these counties have been thinking about it ever since, and they've found a way to get in there kind of now and make the federal government sweat. This taking issue has been, I think, kind of an outgrowth of it.

There's a takings case right now: Wayne Hage versus the Forest Service. He talks about the split estate and argues essentially that the ranchers really do have the surface rights to that property. What do you think of his assessment?

I think he's on sound ground, and he's opened up some concepts that have made people think about it. I think he's going to win this case, and I was impressed with his analysis of it. I ran into him in Tonopah one time and invited him up here to the Rotary Club, and he came up and spoke to the Rotary Club on the split estate. Wayne Hage is a very intelligent individual and very analytical, and his approach to it has caused a lot of new thinking and new analysis of the relationship between the ranchers and the federal government on the range, but I think Wayne Hage has made a real contribution towards the free enterprise system and the ranching industry.

Did you find, to your surprise, that you were something of a radical in the 1970s, when you didn't anticipate that?

I guess I was a radical. I got more enthused about it after David Horton kind of got me introducing that bill. I kind of backed into the Sagebrush Rebellion and then became wrapped up in it and became enthusiastic about it. Then I became a radical about it. It wasn't difficult to get the conservative—the old ranchers—it wasn't difficult to get their support and enthusiasm about it and go to these Farm Bureau meetings and Cattlemen's Association meetings. They always pass a resolution supporting the free enterprise and states' sovereignty, and it's even spilling over onto the wild horses, too.

That's another facet of the whole thing, too, and there's a bill introduced now, I think, to let the counties handle the wild horse problems.

Yes. There was just one that passed yesterday, I believe, that has upped the penalty for shooting wild horses. I think it made it a felony for the first time.

Yes.

Where do you think the Sagebrush Rebellion should go from here? What do you think should happen next?

I think it ought to be pushed forward as hard and as fast and as enthusiastically by a lot younger people than I am.

I had the fire in my belly for a while on this thing, and for ten years I gave it everything I had. We got it through the state of Nevada. We got six other states to go with us, but I like this new concept of the counties now, and apparently they got some legal authorization to bring the feds to the mat on this thing, and so I think these new firebrands that are coming up, these younger people, should keep pursuing this, because I think sooner or later they ought to be able to sell this to the Congress of the United States.

Here we have eleven western states out West that are second-class states. We're kind of in serfdom, compared to the Eastern states. You have a state like Texas that was admitted to the union as a sovereign state. A hundred percent of its land belongs to the State of Texas. Then you have a state like Nevada that came into the union during the Civil War, with only twenty-eight thousand people in the whole state. We shouldn't even have been a state, but they needed a Republican vote, and they needed our gold and silver, so they made us a state. They only gave us a few hundred thousand acres, which the state promptly sold off in order to fund the treasury.

What do you think of Dick Carver's approach? Are you familiar with Dick Carver down in Nye County?

Yes. I liked his approach. It was forthright. He got on that bulldozer; went right down that road. It was a county road, and I think they had every right to maintain it.

They did the same thing over in Utah, too. There was a hassle there. They took a dangerous curve out down there in that park area, that four corners area, and the county went in there and made it so that it wasn't so dangerous, and yet they got in trouble. I think the county ought to have more autonomy, because although I'm a Democrat, I'm a conservative Democrat, and I like a lot of the things that Lincoln used to say, "The government closest to the people governs best," and "The least government is the best government." I believe that.

I think they ought to pursue this aggressively. I've been a little disappointed with Dean Rhoads and the state public lands committee, that they haven't been more aggressive in support of the counties and in support of the movement. I've been disappointed with our congressional delegation because Harry Reid and Dick Bryan, I think, are kind of federalists, and so they're not going to push it. But if we get some real aggressive senators back there and some real aggressive western senators, I think they're going to point out the inequality of the West versus the East and have some sort of land equalization legislation passed that would give the West a little more status.

They say all states should come into the union on equal footing, and some people interpret that as having two senators and representatives representing the people. But if you take an extreme position on that, and Nevada is getting close to that extreme position, if you draw the state of Nevada, and it was a 100 percent federal land, would that be equal footing? I think not. Eighty-seven percent [federal] is not equal footing, either, and so we're not in any position at the present time of being equal to our counterparts east of the Mississippi.

We need an aggressive movement. We need an aggressive delegation, an aggressive legislature, and an aggressive attorney general. I think we've got an attorney general right now that's a federalist, that doesn't want to rock the boat, either. So they seem to be more concerned about siting the atomic waste dump in Nevada than they are about getting more public lands back.

If the state of Nevada had control of their public land, they wouldn't have an atomic waste disposal problem, because we'd be like Texas or Oklahoma; we'd be 100 percent state. Right now, we're a logical place for it. All this federal land is out West. People all over the United States all own this land. Put the dump in Nevada. [laughter]

You had mentioned a little earlier the work in Jarbidge, Elko County. Tell me a little bit more about that. Do you think that's similar at all to the efforts down in Nye County where the commissioners are suing the federal government?

I think it was very similar. I think the analogy is close where Mr. Carver was trying to grade that road through forest service land. Up there in Elko County the county was trying to grade the road, and they had good reason to grade it up there. It provided access for firefighting and hunting and fishing and recreation, and so I think the analogy is somewhat the same. It was odd that the federal Fish and Wildlife people hadn't declared the bull trout an endangered species up until that point, but the minute they started working on that road, they had to have an excuse to shut them down. So they went in and declared, "That fish down there is endangered, and you hurled some rocks into the stream bed, and so therefore, you're in violation."

Last summer Bruce Babbitt made a statement that about thirty species had been removed from the endangered species list, and said, "Look, we want to show you that the Endangered Species Act has been a tremendous success. About thirty species have been removed from the list."

Another group — the National Wilderness Institute, I believe, NWI — went in and studied these species, and it came out that seven of them had been extinct before they were put on the list; four of them had been undercounted or counted mistakenly; and several of them were not even real species. As a result of that, the head of the Interior Department, I believe, had to make an apology to Congress. Have you heard about that, or were you familiar with that at all?

I just read a little bit in the paper about it. I'm not too familiar with it. He went out on a limb and made a broad statement, "Hey, it's a great success!" But when you analyzed it, it really wasn't.

Do you think that the Endangered Species Act is being misused here in Elko County?

Oh, I think so. I think those that want to shut something down can use the Endangered Species Act as a lever to do it, or a club. There are other rules and regulations, but the Endangered Species Act is probably one of the most ominous for the private sector.

Have you been personally affected by the Endangered Species Act on your land?

Have we been bothered by it? No, we really haven't. We've got a conservation program of our own going. I don't know whether that's kind of kept them off our backs on it, but we've gone out and we've leveled land, and we've made ponds for the ducks and the geese, and we've left willows where the willows were to begin with. We planted trees where there weren't any.

The Nevada Department of Wildlife is kind of the watchdog for the federal Fish and Wildlife people. I hate to say this, but the state agency is kind of spying on us. The federal Fish and Wildlife people, as I say, are in Reno, and so they're not able to get out to any good extent. So, they depend on their whistle blowers down here at NDOW [Nevada Division of Wildlife] to say, "Hey, these people are filling up the stream bed, or they're doing something that's adverse."

The first thing you know, you got these feds coming in, including the Army Corps of Engineers, and Army Corps of Engineers knows how to do a 180-degree turn over their origins. They used to be for putting in dams and reservoirs and straightening the river and getting the water down, and now they're the other way around.

They prevent the dams and prevent straightening the river?

They don't want you to straighten the river. They want to keep it meandering, and they're not pushing for dams anymore like they were once upon a time, which would be a great thing in a droughty area like the Great Basin. Rye Patch Reservoir has been a great thing for everybody. The South Fork Dam is a good one. I take a lot of pride in the South Fork Reservoir. I introduced the bill in the legislature that got it through, and it's turned out to be a good thing. I've wished it could have been bigger. [laughter]

MARLA GRISWOLD

Marla Griswold: Through the years I've always found Jarbidge to be, I think, just a neat place, and very unique and kind of a capsule in time, maybe even to some extent. Through these years, particularly my second husband and I have enjoyed almost kind of a tradition with us; the Fourth of July take the pickup and go over the mountain and stay all night at Jarbidge. He had even enjoyed Jarbidge before I even knew him very well.

When this road closing all came about, we were really extremely indignant because, to me, when someone goes to Jarbidge, they usually say, "Are you going to be in the north campground or in the south campground?" To me, that's part of the town. It was an intricate part of the whole community, and to just suddenly close it off, it would be to me like closing Idlewild Park in Reno. It would be just shutting that off for the public. So we went up the first year to the first gathering and voiced our opinion and had our day and our Fourth of July weekend. Then after that they contacted me and asked if I would be part of this group, and I consented, and that's kind of where we went from there.

Susan Imswiler: Demar Dahl was the person who contacted you?

Yes, he was.

What were the initial goals that you had in mind? He had initially said, "There's no down side; that's only a positive."

That's right, and then I strongly believe in the county's position that they had always maintained that road and the county had a right to the use and the right to take care of the road, to provide this recreation opportunity for the people of the area and anyone else who wanted to—the public. So that's really why I became involved in support of Elko County. I really didn't even think of this as part of the Sagebrush Rebellion in any way. I just was in support of Elko County.

At the time when you first became involved with this issue, you were also part of the Nevada Environmental Commission?

I was a member of the commission, yes.

So you felt that you had to be somewhat careful?

Yes, I did, because they became involved in the water quality. They were pressured *strongly* to *become* involved in water quality of the stream.

So your pure and simple goal at the time was simply to keep the road open so you'd get back and forth.

That's right, so that it could be enjoyed by the public.

When did you begin to sense that maybe this was going to be a larger issue?

Oh, I don't know. I don't know that it even has become a much larger issue than that. This maybe is where I have a problem, when it becomes something where they. . . . Right now I'm in support of their efforts in Montana, and I'm grateful for the support that the people in Montana gave. Maybe it was symbolic of problems larger, but my concern is that road, the community of Jarbidge, and Elko County.

So it was a very narrow kind of a concern.

Yes, really. I think my personal feelings about it probably were narrower than some involved.

On November 13, 1999 there was a congressional field hearing held in Elko with Forest Service representatives. What do you remember about that hearing?

Now, that was the one that Helen Chenoweth chaired? It was excellent. She is an extremely sharp lady, and she did an excellent job. I was very pleased that someone was able to hold a hearing and ask the questions and gather the information that I felt—I was extremely happy with that hearing.

Did you feel you came away with more information than you'd had before?

Oh, yes. Definitely.

When did you become involved with the Shovel Brigade Corporation? Did you see any changes within that group in terms of goals?

Yes.

Other people have suggested that maybe it was a symbolic kind of a thing, that they had a broader goal in mind. For example, Elwood Mose was talking about private property.

This was my problem. I stuck with this group right up until the first agreement was reached by the negotiating committee, which was just before the Fourth of July 2000. I read it, and this was all in a

matter of hours, really. I read it; I was satisfied. It wasn't everything, but it was putting the county in a position that I felt they could probably live with.

If the Forest Service lived up to this agreement, it would have been the best the county could do. At that point, I was in favor of the county accepting this agreement. At that point we were only a week or so, or two weeks, before the brigade thing, and the momentum for that had built up to the point where there was no stopping it. Even a year later when they brought in the second agreement, Grant Gerber is one of the only ones that wasn't in favor of that agreement. But John Carpenter recommended—I'm certain that the first agreement was as good, as satisfactory a solution for the county, or better, than the one a year later.

So they lost ground on that?

I think so. I really feel they did.

You mentioned water quality, and then also there's the issue of the bull trout. Do you think there were valid environmental concerns, or do you think that was perhaps a smokescreen in a power struggle?

Oh, it was absolutely a smokescreen in a power struggle. As to whether there were some valid ones, of *course*. Wherever there's that many people that close to a pristine water source, you're going to have *some* impact, but not that couldn't be controlled, not that the public wouldn't understand or respect or cooperate with.

When you talk about that many people, you're talking about people who just go out for the weekend, and not the Shovel Brigade weekend?

Oh, no, no, no, no. I'm just talking about campers and the general situation of how they used the bull trout as the reason to close the area. That was one of the prime reasons. Well, that was just a smokescreen, I think, because they closed it to fishing. You know, you can camp there and then go fish someplace else or do what you want. They didn't have to close the whole thing.

Were you there on the Fourth of July?

No, I was not. I was advised by my attorney not to go for liability reasons. My husband was there, and he was on the rope. I had already asked my daughter to be involved in the planning process—she's a nurse, a nursing instructor in Twin Falls, Idaho, at the college—and she was all scheduled to go and be the nurse for the first aid station, and she did. She took a friend, and she went for the whole weekend. So I was represented, but I did not go. [laughter]

What kind of concerns did your attorney have in advising you to stay away?

Oh! You know what I was more afraid of than anything else? That there would be an accident, an automobile accident in that canyon. Have you been to Jarbidge? The roads at both ends are just *treacherous*, and they just travel the river. It's very narrow, and it's very—it's a dangerous road, and when you go out there you know it's a dangerous road.

But in light of all this that was going on and all these pressures and people just grabbing onto any possible thing to make a headline, I knew if there was a serious accident that weekend that *somebody* was going to be sued, that's for sure. So I was willing to forfeit the opportunity to be out there. [laughter]

What were some of the other concerns?

The threat of Katherine Landreth's letter that I would be included in the lawsuits, which *did* materialize after the brigade. Then I would have that legal exposure and the cost of legal fees.

I don't want to put words in your mouth, but did you feel that you were being denied an ability to express your concerns at that point?

Oh, absolutely. Absolutely. I really considered the letter to be very poorly stated, and definitely a threat. It was definitely a threat. I would have gone to jail; I really would have. I'd have gone out there and been arrested if that was all that was involved. But I had so many other concerns and involvements that I just found it necessary to resign at that point.

You mentioned that you think the first agreement should have been accepted, and that it lost ground over the next year. Your concern was "keep the road open." Do you feel that goal has been met?

Oh, absolutely not; they haven't done anything. They just barely, just in July I think, accepted this second agreement the county has. But now the Forest Service is tying it up in involvements with this and that, and they aren't even . . . I think the Forest Service is out doing studies. I was just told recently by Mike Nannini that the Forest Service is even running vehicles through the stream—four-wheelers and things—so it's . . .

I assume you have dealt with the Forest Service for a fairly long period of time.

Not really. At the ranch we are permitted through all BLM. So actually, I've just been a recreationist on the forest lands, really.

Before Gloria Flora resigned, she had said fed bashing is almost a sport in Nevada. Have you picked up on that, either through your dealings with the BLM or people you know dealing with the Forest Service? Do you think her concerns were valid?

No. No. I think we were the group that had been offended. I think we had been rudely treated by Gloria Flora. Many of her accusations were just off the wall. She was coming from such an extreme position that it was so foreign to what we believe and our values here that it was—it just didn't fly.

Do you think this was a clash of people with theoretical knowledge versus people with practical knowledge: the Forest Service and the BLM coming in with theoretical knowledge, and the ranchers, miners, other people having the practical knowledge, just the reality of living here? Or with more women in the Forest Service, do you think that there was a cultural clash with women, possibly feminist women,

people who are very liberal in their politics, coming into a fairly conservative county or a conservative state?

I don't think it has anything to do with women. Gloria Flora could have been a male and still have the same attitude. I think they just kind of used her. The fact that she was a woman, I think she got headlines even faster, but I don't think her attitude and her basic beliefs—there were men that had the same idea. So I don't think that's valid.

But I think—and this is a tough one, and boy I've thought about it a lot—nothing stays the same; we change. In these ranches—our culture in Elko County was built on building the West. The ranches were settled probably between 1880 and 1900, as a general rule. It was a case of the United States government encouraging people to come West, to settle the West. Do with it what you can to build the nation, and that's our heritage here. That's what we're built on in this county.

Now our population in this country is growing extremely fast. We have this people pressure. People want to recreate, and so we have a clash, and it's a problem that we have to work with every day. I think there are probably compromises that can be met, but we have these extreme poles on both sides: the environmentalists and the other—I don't even know really what we'd call them—that are so extreme that it makes *almost* a compromise extremely difficult to even *attempt* to attain. So we have to figure out how we're all going to live out here.

When I spoke with Cliff Young a while back, he pretty much said, "They're trying to defend a lifestyle that doesn't exist anymore." You mentioned the idea of our heritage being built on settling the West.

It doesn't; it's changed. It still exists, but it's changed. It's in the process of changing, but it still exists out here. And there are some of us that are pretty darn determined to make it work. [laughter]

In dealing with federal agencies—in your case the BLM—have you noticed a change since before the passage of the 1964 Wilderness Act, or was there more of a change after the Federal Lands Management Act went through?

Oh, there was more of a change after the Federal Lands Management Act. That would be the 1974 one. That put down in that document a policy which they used for years to be the model.

In operating a ranch, how did that affect you in a practical day-to-day manner?

It really affected us in no way. We've tried to take care of the ranch to the very best of our ability. There are a lot of things maybe we could have done better, but we're to this day doing our darndest to take care of the public lands and treat them properly.

Have your AUMs changed any?

No, but we have voluntarily cut down, particularly this dry, droughty period. We haven't been using all of our AUMs.

Would you have any kind of an answer for people who say that the AUMs are artificially low, that the ranches are benefitting essentially from a welfare system?

No, I really don't believe that. My husband died in 1976, and our ranch, in the estate valuation process, was valued on an AUM basis, which meant the number of mother cows that that ranch would run. We're a ranch where we're six months inside and six months outside on public lands—or at least on partially public land—and I had to pay *considerable* estate taxes at that time *on* the whole. Besides, our allotment has been set down. Those allotments have values; that permit has a value if I were to sell that ranch. So therefore, the IRS taxed me on the whole. That alone tells me that this isn't a welfare situation.

Is there anything I haven't covered that you feel needs to be part of the public record?

I do kind of feel that maybe this whole Jarbidge thing has taken on a symbolic meaning beyond the county's interest and concern. At this point I'd like to see that road issue out there *settled* and the county able to build the road, maintain the road, and take care of it, and kind of put this behind us.
[laughter]

Have you interviewed Roberta Skelton, because she's a Jarbidge resident, and she was a member of the commission this whole time. She was one of the reasons that the commission stood so pat and the problem took on the importance that it did, so she has played a pretty good part in this with them, too. But she was defeated; she's no longer a commissioner. She was defeated in the last election.

WAYNE HAGE



Wayne Hage. Photo courtesy of Wayne Hage.

Susan Imswiler: This is April 1, 1999, an interview with Wayne Hage on the Sagebrush Rebellion and related issues. First of all, did you take part in any of the legislative or organizational activities that were going on in 1979-1980?

Wayne Hage: I had just moved back over into Nevada after spending fifteen years on a ranch in northern California. I bought a ranch in Nye County, Nevada in 1978 and found myself caught in the controversy, so to speak. Basically, my involvement at that time was primarily through the Nevada Cattlemen's Association.

What form did those activities take?

I was made the chairman of their so-called public lands committee in the Nevada Cattlemen's Association.

Can you qualify why you say "so-called public lands?"

As I wrote the book *Storm Over Range Lands*—and the whole purpose for writing the book was to point out why the Sagebrush Rebellion failed—the basic reason why the Sagebrush Rebellion failed is because it dealt with the myth of the public lands. To understand the Western land issue you have to

understand that public lands in a legal sense no longer exist. By probably the greatest extension you could put on it, the public lands in the lower forty-eight states were all gone by 1963.

One of the things you argued in Storm Over Range Lands was that the Sagebrush Rebellion failed because it only had an ideology and no real philosophy. How would you define the ideology of the Sagebrush Rebel?

Well, the ideology of the Sagebrush Rebel, so to speak, was a belief that—and I'm not being facetious in saying this, and I'm not being critical of any individual, but just an observation. I would phrase it this way, that if you believe something strongly enough, and if you make enough noise about it, that somehow will make it true. What they ignored was that all of these issues that really relate to the underlying causes of the Sagebrush Rebellion are a matter of fact and law. They did not ground themselves in fact or law; they grounded themselves in the belief that if you made enough noise about the Western states being treated unfairly, the Western states being on an unequal footing with the rest of the states, that somehow this real or imagined injustice could be resolved if you just made enough noise about it and made a political issue out of it.

What kind of philosophy do you think should have been in place?

The philosophy that should have been in place was to thoroughly ground themselves in the fact, in law. That means to fully acquaint themselves with the public policy of the United States for the last two hundred years and parallel that with the acts of Congress relating to land disposal for the last two hundred years and the significant case law on that subject for the last two hundred years. If they had done that, they would have found themselves taking a totally different course of action than what they did in the so-called Sagebrush Rebellion.

What course of action do you think that would have been?

The course of action it would have been would be to go through and analyze the law, analyze the public policy of the United States, analyze the acts of Congress and the case law, and to see what Congress has said, to see what the courts have said in the past. If they had done that, they would have found an amazing amount of consistency and coordination between those three channels—the courts, Congress, public policy of the United States—a tremendous amount of consistency leading them to the proper conclusion. They didn't do that. They took a mythical premise and built on that mythical premise, that premise being the myth of the public land. Obviously they came to a dead end where legally and factually they had nothing to stand on.

This was their equal-footing doctrine?

They centered their argument to a tremendous degree on the so-called equal-footing doctrine, failed to understand the equal-footing doctrine, and then really, to my mind—and I think the record shows—they wanted to argue with what the courts had said. They wanted to essentially reinterpret the Constitution according to their own preconceived objectives, and they wanted to interpret the public policy of the United States in a manner that the record won't support.

This is going back twenty years. Are you familiar enough with AB 413 to comment on whether or not that was a statement of philosophy?

If I recall correctly AB 413 was the so-called Sagebrush Rebellion law that was passed in the state of Nevada, and then a number of other Western states passed similar law. Basically, as I understand that, they were arguing that the states actually owned the public lands, or if they didn't own the public lands, they should own the public lands, and they were laying claim to the public lands. Every time I use that "public lands," remember I'm putting that in quotes.

And you prefer to use the term...?

I use the term "federal lands," and that is accurate factually and legally.

What impact do you think the environmental movement of the 1970s had on the origins of the Sagebrush Rebellion?

Let's understand something about the environmental movement: the environmental movement is the latter-day manifestation of the old conservation movement of the turn of the century. The conservation movement was a name change to put a better public face on the reclamationist philosophy of those who were trying, from 1872 through at least 1891, to install what was referred to as the India plan in the western United States. Basically that was a result of the huge debt that the United States had incurred during the Civil War. That debt was owed primarily to European central bankers, the bond holders.

When it relates to the western rangelands, the debt controversy stemmed from the building of the transcontinental railroads, which was financed primarily by British bond holders. The transcontinental railroads obviously were put through as a war effort, trying to tie the East Coast to the West Coast, and to keep the western states and the Southwest out of the hands of the Confederacy. Those railroads immediately failed, because there wasn't anything of significant amount in the West in the way of freight to be hauled that would make those railroads pay. Those railroads basically went into receivership, and the British bond holders wanted their money back. The solution that they proposed was to do what the British had done in colonial India, and that was basically to go in and extinguish the land rights and the water rights of people in parts of India, put in huge reclamation projects, and then give the Indian people a conditional privilege to farm plots of ground under those big Indian reclamation projects and irrigation projects. That was strongly advocated and pushed very hard to the point that it resulted in Congress passing an act October 2, 1882 [1888], which basically put in place the India plan for all of the West, west of the one hundredth meridian, the line that basically runs between Kansas and Colorado.

Do you think the Sagebrush Rebellion was a reaction against increasing environmental influence on public land management policy during the 1970s?

Well, the Sagebrush Rebellion, obviously, was a response primarily to what emerged as the Federal Land Policy and Management Act that came down October 21, 1976. And again, even the question you ask, it goes right to the heart and core of the problem. They were arguing over public lands. The hard fact of the matter is public lands no longer existed. To a large degree the Federal Land Policy

and Management Act is *extremely* limited, extremely limited by the fact and to the extent that it addresses public land.

Do you think that there was a perception within the ranching and mining and possibly lobbying community that they were losing ground against environmental pressure?

Well, I think that is probably obvious. Once again, you go back and accept the fallacious premise of the public lands and then apply what the environmentalists were trying to accomplish through the Federal Land Policy and Management Act. The way the agencies, primarily the Forest Service and Bureau of Land Management, interpreted that, it had the effect of reaching out and essentially—and this was the environmentalists’ objective, because the environmentalists were the primary moving force behind the Federal Land Policy and Management Act. Their objective was to attempt with that act to extinguish private property rights in the federal lands through administrative rules and regulations. That’s the very issue which, in the case that I’m involved in, *Hage v. United States*, the court struck down with great finality with a forty-one page published opinion in 1996, pointing out that federal and state administrative rules cannot extinguish the property which derives from state law. Essentially the ruling in *Hage v. United States*, March 8, 1996, cut the legs out from under the Federal Land Policy and Management Act.

The purpose of that would have been pretty much to lock up control of the federal lands forever, right?

That was the objective of the environmentalists, which again, goes clear back to the old India plan policy. Again, I think to understand it, you have to go back and ask: what were they after in the India plan? The British bond holders, and of course, their American operatives, were the financial interests primarily in the Northeast who were tied to the British banks. In an effort to essentially make the railroads solvent, to make them pay, they said, “If we can put in these big reclamation projects in the western United States and move in massive amounts of foreign immigrants and create a bunch of small farmers under these irrigation projects, we can produce a lot of crops, and with the massive movement of immigrants, we’ve created, essentially, a demand for those crops.” Of course, to do that, to make that reclamation scheme work, they had to have control of the water.

To have control of the water meant they had to have control of the West’s mountain watersheds, the West’s mountain ranges. So in the whole scheme, not only did they want control of all the water, they wanted control of the good grasslands that were in those mountain ranges and the potential red meat production that represented, as well as the timber production and the mineral production out of the West’s watersheds, its mountain ranges. It was a grab for the entire resource base of the West.

The problem that existed and that they ran into immediately was that the water in the West, the range in the West, was already under lawful control of the ranchers that had settled the West. So from the very beginning the fly in the ointment was the western rancher. Unless they could extinguish the western ranchers’ property rights, which at that time were inchoate rights, or in other words imperfect rights—they hadn’t gone to the completion of title—their argument was, well, these ranchers really don’t belong out there. These ranchers don’t have the water rights because they never had a license from the United States to be there in the first place. They are mere trespassers. Therefore, their claim to the water in the West is invalid—their claim to water under state law—because with the act of July 26, 1866, the water in

the West was severed from the land. The water then, and who was going to own those water rights, was under state and territorial law.

Congress severed the water, the surface estate, from the mineral lands in the United States with the act of July 26, 1866, created a split estate, and allowed for the settlement of the surface separate from the development of the mineral underlying the surface.

Now, given that situation, the only way you could make the India plan work was to get rid of the ranchers' claim of rights to that water. Obviously, if they were mere trespassers on the land, then they didn't have a legitimate claim to the water, because you can't establish a valid right, such as a water right, on an invalid premise such as trespass. So it was access to the lands that was controversial from the beginning.

When Congress passed the act of October 2, 1888, essentially establishing the India plan, it was not Congress's intent to establish the India plan per se. In fact, when you read the *Congressional Record* you see that Congress was totally opposed to the India plan. However, Interior Secretary Noble and other people allied to the Henry George philosophy.

Henry George, if you recall, was the American philosopher who the *Encyclopedia Americana* refers to as America's Karl Marx. Henry George advocated a policy whereby the resource base should never be owned privately; it should be in the hands of the government. Henry George was working to extinguish private property. Henry George died in 1897 campaigning for mayor of New York, but again, according to the *Encyclopedia Americana*, the philosophy of Karl Marx could never have gone as far as it did, if it hadn't been for the very articulate presentation of basically the same arguments by America's Henry George.

So the argument over whether ranchers had those rights or not was key to the India plan. In 1888 Congress passed the law. It was immediately interpreted by John Noble, who was Interior Secretary at the time and a very strong advocate of the Henry George philosophy, that the act of October 2, 1888 had extinguished existing property rights and essentially stopped all settlement in the West, west of the one hundredth meridian.

According to Judge Rehnquist [Chief Justice William Rehnquist] in his opinion in *California v. United States*—I believe that's 1983—the October 2, 1888 act created a perfect storm of indignation in the West and resulted in its prompt repeal with the act of August 30, 1890.

There was a very, very key Supreme Court opinion that came down between 1888 and August 30, 1890, and that was the opinion in *Buford v. Houtz*, which came down February 4, 1890. The whole argument in *Buford v. Houtz* was: Did the rancher out in the West have a license from the United States to be on that land in the first place? Because before any kind of a settlement was right on lands of the United States, they first had to have a license, usually Congress saying, "The Ohio Valley is open for settlement," or, "The portion of the State of Alabama or the State of Missouri"—wherever it might be—"is open for settlement." That's the license. They said Congress never gave these stockmen a license to be out there.

But the court on February 3, 1890, said, "No, that's not true. Congress *did* create a license for those ranchers to be out there. And they did that with almost a hundred years of acquiescence in the use of those lands for grazing with the full knowledge of every department of government and with the direct encouragement of every department of government." So once that was established, that the rancher had a license to be there, that meant obviously his claim to the water rights was valid.

That then moved to the next stage: Congress had to revise the land laws of the United States to fit the Supreme Court decision and the repeal of the 1888 law, which came with the act of August 30, 1890. The significant thing about the act of August 30, 1890 was that it confirmed *all* existing settlement. The

settlement that was at issue, the settlement that was in controversy, was a settlement on the surface estate of the Western lands by the ranchers for livestock grazing. That was the heart of the controversy.

Congress said, “We confirm all those rights.” That’s the origin of range rights and the legalization of it, the confirmation of it, in the Western United States. On March 3, 1891, Congress passed the General Land Law Revision Act and it went through. Again, I believe it’s section 16 of that act that pointed out that from here on out the maximum amount of land that anybody can take up is 320 acres. However, this acreage limitation does *not* apply to those people who already have confirmed rights.

That’s why the court pointed out to us in *Hage v. United States* in the preliminary order that came down in February of 1996 prior to the final order in March of that year that if our range rights had existed in the 1880s, presumptively they still exist today. And of course, the court was pointing right to the Confirmation Act of August 30, 1890.

Then they passed the General Land Law Revision Act at the eleventh hour. There’s a lot of vagueness about this, because the historical record is not clear, but the role of John W. Noble, the advocate and disciple of Henry George, was very, very prevalent in getting Congress at the last moment—literally the last moment—to add Section 24 to the General Land Law Revision Act, which allowed for the withdrawal of the West’s watersheds in the form of forest reserves. Little Section 24 points out they don’t have to be covered with forest, but with brush or anything else. The object again was the object of the India plan advocates: to gain control of the West’s watersheds.

There appears to have been the perception in the late 1970s that federal land managers tended to be more sympathetic to the environmental groups and that the state-level land managers tended to be more in tune with local mining and ranching interests. Do you think that was a valid perception?

Well, to a degree it was, just from the simple premise that like the old saying goes, “The further removed you are from a problem, the simpler the solution appears.” Obviously the people on the state level had a better insight as to what the realities of the situation were, and so I think you could say that as a general rule, they were more sympathetic to the real issues involved.

Have any environmental impact statements been done in your area that have personally affected you?

Yes, there were. When I first bought the ranch in Nye County, immediately the Bureau of Land Management, working under the auspices of the Federal Land Policy and Management Act and the demands of the Natural Resources Defense Council, Sierra Club, National Wildlife Federation, and other related socialist groups, demanded an environmental impact statement on all the grazing allotments. By that time the Forest Service had *always* been a tool of the reclamationists and the conservationists, and the Bureau of Land Management quickly followed suit and became part of the same movement.

The object was to try to impose stringent enough environmental rules and regulations on the use of your grazing allotments to make them ineffective, and therefore they would eventually disenfranchise you from any property rights you had in that land or claimed to have in that land. So we did run into the environmental impact statement thing. In our case, we were able to present falsified information that had been used in the environmental impact statement. It was very good research, and I knew at least two of the people that were involved in the research and had worked with them in the field of livestock nutrition. But they took those research documents and cited them and then wrote their own conclusion to what the research said, totally contrary to what the research did say. We took that information and presented it to

the Bureau of Land Management and just asked them, “Now, what are you going to do about this?” Obviously, this was fraud; this was criminal.

Their response to that in our area was, “How would you guys like to go under the stewardship program?” The stewardship program had also been passed by Congress, which the environmentalists fought very hard to defeat and water down. But they got it down to an experimental stewardship program, where select people throughout the West, who had a very good record—this is always the kind of language the environmentalists like to use—in *protecting* the environment, would be allowed to run their own allotments with no interference from the government. So to keep us from bringing what could be very potentially embarrassing and possibly criminal charges against people in the agencies and the environmental movement, they offered us the stewardship program.

How well did that work for you?

The stewardship program worked very well. The Bureau of Land Management entered into it with us. The Forest Service said, at first, that they would, and then they reneged on it later on, saying that they wouldn’t do that because that would cause them to lose control, and made it very plain that what they were after was not the so-called protection of the environment but to maintain and expand their control.

Roughly what was the time frame when this affected you?

That was the early 1980s.

Did the MX missile proposal have any effect on your land?

The MX missile proposal took in almost the entirety of my ranch operation.

Did it in any way restrict access to your grazing lands?

Well, obviously if the MX missile proposal—they referred to it as a racetrack proposal—had gone through, it meant that it would have extinguished eventually our use of all our range.

It’s interesting the way we defeated that. There was a rancher over in Lincoln and White Pine counties who brought a lawsuit against the MX. I was on the board of litigation in that lawsuit. You have to keep in mind that in this particular litigation we were in bed with the environmentalists, because the environmentalists were fighting the MX racetrack system, too. We had a party one night after an all-day board of litigation meeting at one of the attorneys homes there in San Francisco.

A woman who billed herself as the chief legal researcher for the environmental movement on this issue and on the “public lands” issue in the West came over, and said, “Come on over here. I want to talk to you.” So we went over to the corner, and everybody was sipping wine and eating cheese and listening to somebody play on the grand piano, and she said, “You know, you ranchers are pretty dumb.”

I said, “Well, I’ll agree with that, but why don’t you tell me why you say that.”

“Well,” she said, “you ranchers are dumb, because only you ranchers can stop the MX, and yet you won’t take the steps to stop it.”

I said, “Well, I still agree with you, but tell me where you’re coming from.”

She said, “You ranchers have private property rights out there in those allotments, and yet you won’t stand on those private property rights.”

I said, “I still agree with you. Keep talking.”

She said, “You ranchers own those allotments. Those allotments are private property. If you ranchers would stand on that private property, we environmentalists would paper the United States to death, and they’d finally have to give up.”

I said, “I still agree with you. This is what I’ve been advocating among the ranching community involved in this. Tell me something, how did you find this out?”

She said, “We environmentalists always felt that all we had to do to get rid of you ranchers was get a president in power who was favorable to the environmental movement, and then we could get all of you trespassers removed from the public lands.

“When Carter became president, we felt that he was our man. He was favorable to the environmental movement, and so we immediately went to him to discuss getting an executive order to get you trespassers moved off the public lands. But before we could present an executive order to him to sign, we felt we better do our legal research to make sure that we were solid. As we began to research it, we found out that you ranchers actually *own* those allotments. And that’s the point. If you ranchers would stand on that fact, we could paper the United States to death over the issue of taking private property, and the government would eventually have to give up.”

I said, “That’s very, very interesting. I fully agree with you. We are going to follow that course of action, but let me ask you one question. Aren’t you afraid that I will turn around and use this information against you down the road?”

She said, “Oh, we expect that. But before you can get that done, we will have so many environmental rules and regulations laid on you ranchers that you’ll all be broke anyway.”

Won’t do you any good to have your private property.

That’s correct. Again, based on the false premise that the whole 1976 Federal Land Policy and Management Act was based on the perspective of the environmentalists. That was that federal and state administrative rules can extinguish the property which derives from state law, which the courts have completely refuted since that time.

Who was the rancher who filed suit against the MX?

He was a guy by the name of Fred Jenkins.

He’s in Lincoln and White Pine?

He was in Lincoln and White Pine. The last I knew of Fred he had moved to Texas and, I believe, was involved in a horse ranch somewhere in Texas.

Going back to the particulars of AB413, the mineral estate subsidizes the BLM’s management mission. It provides about 62 percent of the BLM funding. Do you think that the states, particularly a state like Nevada, would have been in a position to carry out a multiple-use management mandate, if they had been able to wrest control of the federal land?

Well, I don't know that I'd want to comment one way or the other on that. I argued at the time that I could see very little difference between national socialism and individual state socialism, because at the heart and core of what we're talking about all the way through is socialist principles, Marxist principles, where natural resources are basically managed through committee or council, various groups meeting, focus meetings, various other get-togethers of affected parties, interested parties, and we all sit down and talk about what is going to be the collective determination of how these natural resources are used.

I say Marxist principle, because that's exactly what has been practiced in countries that have fallen under Marxism, to where committees or councils and so-called affected parties get together and they try to determine what we are going to do with these resources. What we have to remember is that the very term "soviet" means committee or council, and basically the way that has always worked is the decision is made at a very high level. Then to give it window dressing as far as so-called public participation, you have these committees or councils, but whatever comes down from the Supreme Soviet, you might say, is what is going to prevail.

That is exactly what they were practicing and are practicing in the Forest Service and BLM today, and have for years. It was an attempt to say, "We can essentially handle that committee or council approach, the soviet approach, better on the state level than you can on the federal level." I saw very little difference between the two.

So it would have just been a change of name, who was in charge.

Yes. In my opinion it had been just a change of name, and the national level would have dictated to the states what they were going to do, anyway.

What do you think of the assertion that Nevada's lack of a property-tax base led to the legalization of gaming? Do you think there's anything to that?

There is a certain amount of relevance to that statement, but the statement won't stand by itself. There were any number of factors that led to the legalization of gaming in Nevada, and one of the first ones was that Nevada's historical roots have made it kind of a backwater, you might say, for people from other states and territories. When the legalization or illegalization, you might say, of various activities became too strong in places where they lived, a lot of those people moved to Nevada, and so you had a very, very strong, independent element in the state of Nevada. Gambling had occurred all the time anyway, whether it was legal or illegal.

It was kind of a logical approach to the problem: if we can't get rid of it, let's just legalize it and tax it. Given the fact that we were in the Depression, the whole country was in the Depression, and all the states, all the entities of government were looking for ways to bolster, strengthen, revive the economy, gambling just happened to fit the niche, so to speak, for the state of Nevada.

Do you think the 1976 establishment of the payment in lieu of taxes was an attempt to buy out the counties and settle them down?

Well, it obviously was, because the United States was afraid of two things. Let's go back. This myth that these lands weren't taxed is just that: it's a myth. If you listen to the Sagebrush Rebellion people, what they would tell you is all these public lands are not on the tax rolls, therefore we're being severely hurt. Number one, they're not public lands because by the time that the Sagebrush Rebellion came along, *all* the allotments had been adjudicated, and all of that "public land" then was essentially on the tax rolls.

Here's how it works: a grazing allotment—in other words, a surface estate interest owned by the rancher on lands of the United States—is appurtenant to—to use legal language, is attached to—a base property that the rancher owns in fee simple absolute. Some of those 160-acre, 320-acre homesteads that were taken up under the homestead laws were agricultural lands, and the contributory value of the grazing allotment is figured into the value of the base property.

Now, a good example of that just with a simple illustration, let's say that somebody has 320 acres of land that is very good meadowland. In other words, in the state of Nevada that would mean, just as a hypothetical case, that you could run 1 cow to 10 acres for 12 months. So 320 acres then would carry 32 cows year-round. When you're appraising a ranch operation, you appraise it on the basis of animal units. That would be 32 animal units. Let's say in this hypothetical case that an animal unit is worth \$2,000. I believe that would then make the appraised value of that property something like \$64,000. The tax then would be on \$64,000 of value.

Let's say, though, in this hypothetical case, that 320 acres has as an appurtenance attached to it a grazing allotment which expands the number of animal units that can be run on that ranch to 320 rather than 32. Now, the appraised value of that operation becomes \$640,000—10 times over. And the tax is based on the \$640,000. So those range lands have *always* been on the tax roll.

But those taxes go to the federal government rather than to the state government.

No, they don't. They go to the county. That's the myth. It goes to the county. Now, what the United States has done through the Bureau of Land Management and Forest Service is they have managed to perpetuate the grazing-fee permit system long beyond the time it should have come naturally and lawfully to an end, because legally once the range was adjudicated, once the allotments were established as being attached to a certain base property, the permit grazing-fee system was moot. It didn't matter what kind of land disposal law we had. It all works according to the same pattern, whether it was in Alabama or Missouri or Nevada.

Let's just use a hypothetical case again. Let's take a case of the state of Alabama in 1820, and let's say somebody went in there, and the United States had opened up a certain area to settlement. They had created the license. A settler went in and took up a certain piece of land along some creek somewhere, and then he went to the land office and said, "I'm establishing my claim to this land."

From the time that the settler went in and established his claim until the United States was able to send people out there, survey his claim, and draw a plat map of that claim and handed it to him, he operated under a license or permit from the United States, and he also paid a fee for the administrative costs of the bureaucrats performing that function. That is a lawful function of the United States in land disposal. But once he received that plat map based on the survey, he no longer was required to pay a fee, and he no longer operated under a license. It was his.

The same thing was supposed to operate relative to the rangelands of the United States. The Forest Service was first set up as a land office for the disposal of the land in the national forests. And the

way it was supposed to operate was that the Forest Service would survey. In fact, if you look at the Organic Act this Forest Service claims their authority under, that's one section, I believe, out of sixteen out of a bill that's entitled *Surveying the Public Lands*. The Forest Service was supposed to go out and survey that land and determine where the established rights were to the range and create allotments, which would then be appurtenant to a certain base property, which made an economic ranch unit which had already been established. Title was already there. The United States was just finalizing the process. Once they got that done, then theoretically the permit or the license in the paying of the administrative costs of those people doing the survey, drawing the plat map, making all the boundary adjustments, all that went into the adjudications, that theoretically and lawfully came to an end.

What actually happened was when the Forest Service was first created it was created under the leadership of Gifford Pinchot. Gifford Pinchot was also a very strong advocate of the philosophies of Henry George. Gifford Pinchot *knew* after the defeat of the reclamationists and then the defeat of the conservation movement with the McKinley compromise in 1897, which led to the Organic Act, that in order for them to maintain any control over the West's watersheds and its water sources, they were going to have to strike a deal with the ranchers, who the courts had said *have* the legitimate rights to the surface estate on those lands. And so, on the night of December 12, 1905 in the old Albany Hotel in Denver (that used to be there on Broadway) they held a meeting with the leading ranchers of the Rocky Mountain area. Interestingly enough, most of those ranchers were either financed by the same interests that were behind Pinchot or were actually agents of the same money interests. The agreement finally emerged from that meeting—it emerged later on—that the ranchers would not demand a closure to the adjudications but would continue to sign permits and pay grazing fees in return for services from the United States through the Forest Service, and therefore perpetuate control over those grazing allotments by the Forest Service.

At that same meeting, December 12, 1905, that was the beginning of what I believe they called at the time the American National Livestock Association, which later emerged as the American Cattlemen's Association—the National Cattlemen's Association. It's had different name changes. Today they call it the National Cattlemen's and Beef Association. The Cattlemen's Association was designed and manufactured by the United States Forest Service for the express purpose of using certain leading cattlemen in all the states to control the rest of the cattlemen and perpetuate the grazing fee permit system and not demand closure to the adjudications.

What we've done in *Hage v. United States* is we've essentially said, "This has gone too far." They're using their authority to attempt to extinguish the underlying property rights, and we want this court to bring a closure to these adjudications." That's what this litigation is all about. It's nothing more than trying to force a closure to the adjudications that with the Forest Service in our area should have been done by approximately 1918 and by the BLM no later than 1963.

Do you think that the local cattlemen's associations even today are still puppets of the Forest Service?

Yes, they are, and this is one of the big complaints that you hear from people in the cattlemen's associations, the members, and it was one of my big complaints, which finally led me to understand what it was all about, is that it doesn't matter, really, what kind of a movement you get going on the local level to challenge the agencies. By the time it gets to the national level, it's either watered down so bad that it's meaningless, or it's just ignored and no action is taken on it. The National Cattlemen's Association basically is the safeguard to prevent the actual rancher on the ground from establishing his rights in his property.

There are three separate movements going on today: the property rights movement, the county supremacy movement, and the wise use movement. Is it safe to say that all these came out of the original Sagebrush Rebellion?

Let's take them one at a time. You know, when we start talking about these movements, we're dealing with vague and ambiguous terms and they can essentially have as many different meanings as there are people who use them, so I would approach the answer to that question from a different perspective. There has been a growing awareness, particularly since the 1976 Federal Land Policy and Management Act, that the ultimate objective of some on the national level, and then, of course, the NGO's—the non-government organizations, the environmental groups—that their ultimate objective is to extinguish the property rights of the rancher.

That perception has manifested itself in a number of movements, some of which have been referred to as the county supremacy movement, some of which have been referred to as the property rights movement, and some of which have been referred to as the wise use movement. The ultimate objective, at least on its face, of all of those groups is to protect the property right interests of the property owners in the western United States. The property rights movement per se deals with the core issue—property, as opposed to administrative rules and regulations.

The county supremacy movement is based primarily on the fallacious premise, stemming from the Sagebrush Rebellion legislation and laws subsequent to that, that the states own the public lands, which is a false premise. They don't. Number one, there are no public lands. If they're talking about the mineral estate of the United States, then they have absolutely no claim to that, legally, factually, or any other way.

The wise use movement is kind of a conglomeration, I would say, of the other two, as well as a host of other different philosophies, and basically what they're advocating is the wise use of resources. Some of them attempt to accomplish that by participating within the administrative system, the soviet system, so to speak. If we could just get this on the local level or the state level, then we'd be able to make this work. There are other people in the wise use movement that say, "Absolutely not. The only way to do this is get back to the base root of property and common law remedies for the solutions involved as *intended* by the laws of this country and as set forth in the Constitution of this nation." There are other people that would approach it from variations of those two philosophies.

How about you? How would you define wise use yourself?

Wise use is just what it says. We could apply it to that cup of coffee that's sitting over there. The wise use of that cup of coffee is probably for me to drink not more than two or three cups of that a day. Unwise use of that would be for me to drink ten or twelve cups a day. That's such a broad concept, and that's the danger of these labels. You can essentially put anything under that tent, it's so big. So if you take a specific situation—a *specific*, factual situation—and then say what is wise use, I can define that, but as far as defining it in a broad sense, that could go on and on and on.

Do you think that's one of the problems in the lack of success in some of these movements, that the labels are so big?

The lack of success is what I said at the very beginning, and that is basing a movement on an ideology without a real solid philosophy behind it. *Anything* that you try to build from a false premise is going to give you unsatisfactory results.

How about privatization? Do you think that's economically viable for most ranches?

There again, that shows the total misunderstanding of the issue. The hard fact of the matter is, privatization took place a long time ago. When the grazing allotments were adjudicated, they were privatized. So the surface estate on these "public lands" was privatized a long time ago.

That was the basic underlying point that the Sagebrush Rebels missed, and they were trying to reinvent the wheel. It had already been done for them. The problem was the ranchers *themselves* had made their deal with the Forest Service early on.

Then in 1947, the government combined the General Land Office and the old Grazing Service in the Interior Department and called it the Bureau of Land Management. By 1947 the Bureau of Land Management could say just like the Forest Service could say in 1905, "If we do what Congress tells us to do, we're going to put ourselves out of business. The only way we can stay in business is to cut a deal with the ranchers."

In 1947 they began to do the same thing, and I can remember these discussions myself, but basically what the Bureau of Land Management was telling the ranchers was, "Look, we realize now that we're in the process of finalizing these adjudications, but here's what we want you to do. We want you to continue to operate under a grazing-fee permit system, and we're going to do all kinds of wonderful things for you."

Some of the things they promised at that time that I remember were that they were going to put in wells and water sources throughout these arid lands, and then they were going to plant crested wheat everywhere. In fact, they told us at one point around 1950, 1951—I remember the discussion—that, "You guys just go along with this. Forget about your range rights, your water rights. Continue to sign these permits. And within twenty years you'll be hard pressed to find any sagebrush in the state of Nevada at all. It'll all be crested wheat, and you guys will be running three times the number of cattle you're running today."

The ranchers bought into that. I can remember the old-timers were very opposed to it. They said, "We have fought and fought and fought to get our rights recognized. We don't want this perpetuated under the miserable system that we have seen with the Forest Service."

The younger ranchers, the guys coming up at that time, most of them are retired now, but I can remember the comments. They had grown up pretty much under the Roosevelt era, socialist influence, and their argument was, "Well, it's a different world now. The government does great things for people, and we need to work *with* the government rather than fight the government." So the ranchers at that time began to buy into the perpetuation of the grazing-fee permit system and again, wouldn't demand closure to the adjudication. What we're doing in this litigation is asking the court to bring closure to those adjudications.

Wouldn't the privatization, though, if it was proposed in the 1980s, have brought some closure, because it would have reunited the split estate, with the exception of the mineral estate?

As I recall, that wasn't even part of the discussion. As I recall, the people at that time that were discussing that and the people that were behind the Sagebrush Rebellion legislation had no concept of the split estate. I think that's obvious, because in current conversations with some of those people, including a party who's presently in Congress that pointed out that the Sagebrush Rebellion began in their office back in that late 1970 period

Are you free to name that man?

The person wasn't a congressman at the time, but it began in that person's office, and I have spent a lot of time bringing that person up to date on the concept of the split estate. You want me to read this again?

Sure.

Let me read the question. "One analysis suggests that a 170 percent growth in Western cattle population during a 36 percent decrease in AUMs, 1959-1978, brings into question whether the growth of environmental regulations really hurt western livestock interests." This is R. McGregor Cawley, University of Wyoming political science professor.

Trying to answer a question like that based on *this* would be foolish, because I haven't seen his data, I haven't seen his research. I don't know what his politics are, and we all know that we can make statistics say anything we want to say. He may or may not be accurate with these numbers. I don't know.

I will say this. Using the example of Nye County, for instance, which is typical of so many of the counties in Nevada and throughout the West, in the last ten years you've had approximately a 50 percent decrease in the number of animals on the range. It's something like a 98 percent decrease in the number of animals on forest ranges. The impact of that has been over a 100 million dollar loss to the economy of Nye County in that period of time.

This is a decrease in the number of animals rather than the number of AUMs?

Well, you're talking about the same thing. When you say animals or animal units, you're talking about one animal for twelve months. The usual measurement is the AUM. Unless you're appraising ranches, then you spread it out to twelve months, and it's the animal unit, which has a value twelve times greater.

But the result in Nye County is, Nye County is essentially broke, especially the northern part of the county, which has been dependent for 130 years primarily on ranching and mining, the ranching industry being the sustaining, underlying industry. What we see in the town of Tonopah today is typical. You go down the streets of Tonopah today, and you'll find more business buildings boarded up and out of business than there are operating. They're having a *big* problem right now keeping their hospital open.

The vital services are all affected in the southern part of the county, which has become a bedroom community for Las Vegas. Pahrump is experiencing considerable growth, but like all growth that is residential-oriented, that's a growth that doesn't keep up with the cost of services, and so as long as the growth increases, they can stay on the black side of the ledger. When the growth stabilizes, the cost of services catches up, and they will be in the same problem.

In the northern part of the county, the livestock industry has been devastated, and at the same time as a result of BLM and Forest Service policies, the exploration industry has been very severely set back. When you set back exploration, that means that eventually it affects the mines. I think in that same ten-year period Nye County has gone from seven major operating mines to two. Without further exploration on a large scale, you're not going to have more mines. In other words, the prognosis for Nye County for the foreseeable future is very, very bleak.

Nye County is on welfare status. Of course, Nye County has been on welfare status for many, many years, because basically they have operated on grants and handouts from the federal government as a result of so much of the county being tied up in the Tonopah Test Range and the Nevada Test Site. So the attitude among politicians in Nye County for the last, at least, thirty years has been basically a welfare mentality: "How do we get another grant, another handout from the federal government?"

In doing that they were afraid to *anger* the federal government by challenging the federal government's usurpation of the lawful jurisdiction of Nye County and the state of Nevada. Because they were afraid to do that, they let the United States, through the offices of the BLM and the Forest Service, devastate their underlying industry. Nye County finds itself a basket case at the present time, and Nye County isn't alone. A very good study on this is one done by Great Basin Resources, which was hired by Nye County to look at the impact of the loss of the Stealth fighter from the Tonopah test range to New Mexico. In doing that they did an overall analysis of the economy of Nye County, and that's where the numbers that I just quoted came from.

Do you think Dick Carver¹ and his activities are a backlash against this?

Well, I think Dick Carver and his activities obviously are a backlash against the devastation of the economy of Nye County. I think it's a very well-intentioned backlash and founded on absolutely false legal and factual premises, and that's why it has done nothing but muddy the water.

Do you feel the Sagebrush Rebellion left its mark in any way on federal land policy?

The Sagebrush Rebellion, I think, obviously has left its effect on federal land policy. I'd say that the primary effect of that has been to create a bunch of what I would refer to as bogus lawsuits brought primarily by the advocates of the Sagebrush Rebellion philosophy in federal district court, all of them based on false legal and factual premises and all of them, to the best of my knowledge, which have failed to one degree or another and have created more obstacles for the property owner, making the *right* arguments in court, to have to hurdle all of those opinions that have come down out of federal district court, and has increased the cost of litigation tremendously for anybody who wants to fight this issue in court.

So if I were to ask you in the final analysis what you think was accomplished, you'd have a negative assessment.

¹ Nye County commissioner and rancher who on July 4, 1994 bulldozed open a weather-damaged road on national forest land.

I think it goes back to a simple basic premise: any time we attempt to accomplish an objective based on false premises, the results are going to be negative. The Sagebrush Rebellion was based on false legal and factual premises, and the result I think has been very negative. It has increased this mass of confusion that already existed, and now in the courts, going through the proper venue and the proper jurisdiction, we're getting some very clear-cut resolutions, but the Sagebrush Rebellion and the controversy surrounding it has had one basic impact that I see, and that is that it has perverted, if I could say that, the thinking of the western people involved to where they're so locked *in* to this public lands myth that they continually try to fight it.

Every time we discuss it, their mind-set is within the framework of that public lands myth and the Sagebrush Rebellion myth. They try to evaluate any factual information you give them within that context. Because they're still basing their actions on an ideology that has no factual or legal basis, they can't even understand the proper decisions that are coming out of the court today, and therefore, they are unable to take advantage of them and put them to work.

Where do you think it should go from here? Should it stop in terms of things like county supremacy? Is the real way to go through your lawsuits, for example, or the courts?

I think what's happening in the courts right today and what has happened in just recent weeks is a good illustration of that, because we've had both sides of this issue go before the courts in the last couple of months, and two big totally opposing decisions came down. The Sagebrush Rebellion philosophy has gone up through the federal district courts, and the key case I would say is the Diamond Bar case out in New Mexico, when they decided to try what was ultimately a property rights issue—Do they have a *right* to that range and the water rights on that range?—in federal district court.

Federal district court since 1938 has been prevented from any type of a common law ruling if the *value* of the property involved is over \$10,000. So what that means is since 1938 it has been virtually *impossible* according to the court rules for federal district court to offer any kind of remedy on the range issue. And yet the Diamond Bar case was pursued through federal district court. Federal district court is an administrative court. It can lawfully rule only on the impact of federal rules and regulations. In simple terms, it can *not* by law address the underlying property rights issue.

That's like taking your automobile that might have a loose rod in the engine down to Tony's transmission shop and saying, "Fix this thing."

They might be nice people, and they might take it in there and go through the transmission and say, "We've got it fixed. Everything looks fine to us."

You drive out and your engine still isn't running right. You go back and complain to the shop foreman, and the shop foreman runs it back in, takes another look at it, checks the transmission again. You go back out, and your engine still isn't running right. You get mad, and you go back in. You say, "I want to see the owner."

The owner's probably going to say, "Get that guy out of here. If he doesn't know where to go to the right shop to get his vehicle fixed, I don't want to hear him."

That's essentially what these people have done, and the Diamond Bar case is classic. They first lost in federal district court. They took a property rights issue to an administrative court that couldn't fix it. When they lost there, instead of then going to the engine shop to get it overhauled and get the problem fixed, which would have been the United States Court of Claims, which is *required* to rule in accordance with the common law—in other words property law—instead of going to the right shop they appealed it

up to the Tenth Circuit. The Tenth Circuit took a look at it and said, “We’ve looked at the rules and regulations, and you were in violation of the rules and regulations, therefore, the lower court ruling stands.”

Then what usually happens, they get mad and want to take it to the Supreme Court. The Supreme Court is going to look at it and refuse *certiorari* on it. They’re going to refuse to hear it. Usually what these ranchers do then, they get mad, and the court system is against them et cetera, et cetera, et cetera. What they don’t realize is they shouldn’t have taken the engine overhaul job to Tony’s transmission shop in the first place; they should have taken it to the engine overhaul shop. In other words, it was a property rights issue. It should have gone to the proper venue and jurisdiction, which is the United States Court of Claims.

Now, on the other hand, we had a preliminary ruling in *Hage v. United States* on November 5, in 1998, where the court came out and said, yes, we do own those water rights on those federal lands. And yes, we do have a right to the forage on those federal lands.

When the Diamond Bar case was heard in Tenth Circuit, the court ruled and said, “Those people *don’t* have property rights. They don’t own the water rights,”—actually the court didn’t say they didn’t own the water rights, they left that one open—but they denied that they had any property rights in the range. The United States immediately jumped in and tried to use that against us in the United States Court of Claims. The Court of Claims response to that was to publish the November 5, 1998 preliminary opinion. Now, what I read from that is that you have a clash coming between the two courts and a clash coming over this very issue in the West.

Isn’t that between the Ninth and the Tenth Circuit courts?

No, it’s not. Again, let me go back. We don’t take an engine overhaul job to Tony’s transmission shop. You don’t take a property rights issue to federal district court. Therefore, you don’t end up in the Ninth Circuit or the Tenth Circuit, because the appeals from the United States Court of Claims—in other words, the engine overhaul shop—go directly to the fed circuit, Washington, D.C. They’re the *only* circuit court that deals with common law property rights issues. And then from there it goes to the Supreme Court. So no, it doesn’t go to the Ninth Circuit, because the Ninth Circuit doesn’t hear those kinds of cases.

Ultimately do you think that part of the delay in your case is in hopes of producing a more liberal court in the next couple of years?

Well, I would have to say yes. Certainly I believe that, because that’s *always* an underlying effort, a major effort, of the socialists in this country, going clear back to the early days of progressivism, to try to get their people on the Supreme Court. You go back to the turn of the century and you find that you had the great liberal, Oliver Wendell Holmes, on the court for years and years and years. He carried a *lot* of the so-called progressive or socialist litigation and issues through the courts on behalf of socialist policies. One of his staunchest allies on the court was Louis Brandeis. And interestingly enough, Louis Brandeis was one of the *leading* disciples of Henry George, America’s Karl Marx.

It all seems to go back to Henry George.

It does. And an interesting thing, too, another leading disciple of Henry George was Theodore Roosevelt, and Theodore Roosevelt was one of the guys that was the *most* instrumental in attempting to lock up the West's watersheds and national forests, national parks, et cetera, et cetera.

Then you had the attempt to pack the Supreme Court during the Franklin Roosevelt days. That was an attempt to put liberal judges on the courts that would promote the progressive or socialist agenda. Even though that didn't work, it put the fear in the judges that were sitting there and made them comply with a lot of the bully boy tactics of the Roosevelt administration, which we're still suffering from today. So the socialists are *always* trying to put their people on the court, and I'm sure that they're always hoping to get that changed.

We've talked before about the political side of many of these issues. Today I want to ask you about the emotional and personal side. When your cattle were seized in 1991 what was your first inkling that there was trouble? What did you see? What did you do? How did you feel?

The first inkling of trouble would go back to the very time that I bought the ranch.

This was in what year?

In 1978, when it became clear that the federal government wanted this ranch and that they were willing to do anything to drive me out of here. So that's the first inkling of trouble.

I want to go back to the day in 1991 when the cattle were actually seized. What was your first indication that something was going on?

Well, you know, I don't really know how to answer that question because as I said, this was an ongoing thing since 1978. It was one thing after the other, after the other, after the other. We knew it had to come to a climax somewhere. They had threatened to steal the cattle, and they finally came in and stole the cattle. So it wasn't anything sudden or anything all that surprising.

Did they come and knock on the door and hand you any kind of paperwork or just go out into the corrals or go out into the pastures, or what did they do?

The way the government operates is they will send you a notice of what they intend to do, and in this case they had sent a notice of intent to impound. If you don't respond to that notice the way they want you to respond to that notice then you'll get a second notice, and then if you don't respond to that notice the way they think you should respond to that notice then they go ahead and move on you.

What they're doing there is nothing more than a commercial presentation and they're following the procedure of a notice, notice of fault and opportunity to cure, and then default, which means that if they go ahead with the action that they're moving on against you, and if it goes to one of their administrative tribunals or to federal district court, they are in a position to argue and argue correctly that you were properly noticed, that you didn't respond to the notice properly, and they gave you a second opportunity to respond and you didn't, and so it was a default.

In other words, what they did here was what they do, and federal agencies typically do with private citizens, which is to trap them in the notice procedure under commercial law. What that means is,

in simple terms, when you do get to court to argue these issues the only issue before the court was, “Did you properly respond to the notice?” Because if you didn’t properly respond to the notice, it’s viewed as an admission on your part that everything that was stated in the notice is correct. So you’re really left at that point with no defense.

Had you responded to their notice?

Yes. I responded to their notices, but at that time I was relatively unfamiliar . . . Number one, I was like virtually everybody else: I did not realize that basically what the feds were following were provisions under the Uniform Commercial Code and that they were making a commercial presentment when they came with the notice to impound. In other words, a commercial presentment is either a demand for money or performance. I did the same type of thing that most ranchers have done and still continue to do and most American citizens would do, which is to try to appeal to right, try to appeal to a common sense, try to appeal to logic.

However, none of those things mean anything if you have been trapped in the commercial process of notice, fault, and default, because as I said a little while ago, the only thing that goes before the court is whether or not you properly responded to the notices. If you didn’t, then you basically have admitted that everything the feds have said is true and you don’t have any defense. So at the time that all this was going on, most of us in the ranching community and the resource community as a whole were floundering around, trying to fight these attacks by the federal government on our property under the concept of the Constitution, under the concept of property, under the concept of right and wrong, under the concept of common sense, none of which has any meaning if the other side has already trapped you in the commercial process.

On the day that they actually came out to take the cattle, were you out on the range? Were you in your office? What were you doing?

The day they came in to take the cattle, my crew had gone up to Meadow Canyon to gather the very same cattle that they came in to take. The reason that they were up there is because when the United States said that they were going to impound cattle if they were across an imaginary line up here in the mountains, it became very apparent to me that we weren’t going to be able to operate a ranching operation under those circumstances. So I began to liquidate the cattle and sell them as rapidly as I could, and what we were doing was gathering the cattle as rapidly as possible and shipping them to the sale and liquidating them. We knew there was a certain number of cattle up in the Meadow Canyon area, and I think from the first of June to the twenty-seventh of July that year, with the exception of two days, my crew had been busy trying to keep cattle out of the area that the federal government had put off limits. Keep in mind that that area they put off limits was my own personal, private property.

When you say this was your private property, was this part of the actual property where you had all the rights of the estate, or did you have an allotment there?

It is a grazing allotment. A grazing allotment is personal, private property. That’s all that needs to be said.

Were you out with the crew when the feds arrived?

No. As I was saying, the crew went up there the morning of the twenty-seventh of July to gather those very same cattle. When they got out there they found that the Forest Service was up there with a big crew. They had quite a number, and perhaps I shouldn't put it that way; I should say probably three at that time. There were Forest Service people armed with automatic weapons to stop my crew, who said if they gathered any cattle in the area that the Forest Service would arrest them.

Now keep in mind that the Forest Service has no arrest powers, and keep in mind that they have no law enforcement authority. So I was aware that what we were dealing with here were federal agents of a federal agency that was totally out of control, and like dealing with any criminal element, they are dangerous. So I'd instructed my crew that if they ran into any conflict with the Forest Service, because we anticipated something like this might happen, that they weren't to argue with them, but just to back out of the situation as rapidly as they could. So they did that, and they came back down here.

Once they came back down and reported what they had seen, did you go up and attempt to talk to anyone from the Forest Service?

On the same day that incident took place the Nevada Cattlemen's Association sent a man down here to try to mediate the dispute, and the Forest Service had sent a man out from Washington, D.C. to try to mediate the dispute. So that morning, while the gather was going on, I happened to be riding around the valley with the fellow from the Nevada Cattlemen's Association and the fellow from the Forest Service in Washington, D.C., and with one other individual from the Forest Service in Ogden. The Forest Service official from Washington, D.C. was saying that we needed to stop this thing, we needed to stop the gather, and we needed to resolve this conflict. After I took him around and showed him all that the Forest Service had been doing and all the areas where we had evidence of harassment, vandalism, et cetera, et cetera, from the Forest Service, I asked him, "Now, you're saying this thing ought to be quieted down, this thing ought to be resolved, but I think you've taken it too far. By forcing me to liquidate my cattle at a loss, I'm in a position to where I'm basically broke. So what is your proposal as to how to resolve this dispute at this late date?"

The Forest Service guy stopped us and he said, "Well, we can resolve all of this. We'll just give you the stewardship program here."

Now, the stewardship program was a program which was instituted in an act of Congress in the late 1970s and said that certain ranchers would be given the option to manage their own range without federal government interference. Bottom line, that's basically what it said. Of course, we had tried to get the Forest Service to go along with the stewardship program earlier when the BLM went along with it with us, but they had refused at that time to participate. Then the Bureau of Land Management, even though they initially participated for several years, reneged on it, and so the stewardship program was basically defunct. Again, the Forest Service had *never* participated.

But the Forest Service guy from Washington, seeing that the fallout from this could be possibly very harmful to the Forest Service image---what was left of it at that time---and realizing the serious legal and political consequences of what they were doing, offered the stewardship program, and my reply was to him, "Now that you've got me broke, now that I couldn't operate under any circumstances, now you come and offer the stewardship program. It's too late. Where I'm going with this is to the United States Court of Federal Claims. You guys have taken my ranch. You come here with your regulations, your

harassment, with your vandalism, and you have destroyed this ranch as an economic unit, and so this is going to the United States Court of Federal Claims. If you'd wanted to straighten this thing out, you should have been here six or seven years ago with the stewardship program and put an end to this, but it's too late now."

So at that time we drove up to where the cattle were being held, and we met some of their phony Forest Service law enforcement people. Keep in mind that the Forest Service has no law enforcement authority; neither does the Bureau of Land Management. So we had people up there basically impersonating law enforcement officers.

I stopped and took a camera. I got as close to them as I could. If I could get up in their face, I'd put it in their face and tell them to smile and take their picture. We drove up to the site where they had the cattle impounded, and I went around with the camera and took photographs of as many people as I could. There were approximately thirty people there where they had the cattle corralled in a temporary corral. Then I took photographs of all the vehicle numbers and all the license numbers that I could, and then I told the people that I was riding with, the two Forest Service guys and the guy from the Nevada Cattlemen's Association, "Let's go. I've seen everything I need to see."

One of the Forest Service guys called out in a rather panicky way, called me by *name* and said, "What are we going to do about all these cattle in the corral?"

I turned to him, I said, "You got them in the corral, now you figure out how to get them out." Obviously, the Forest Service, like most of these government agencies, they'll use the bullyboy approach and try to intimidate people. What they expected me to do was to come over and beg or plead or agree to some horrendous sum to redeem those cattle that they had stolen. I didn't do that.

You have four daughters and a son. Were any of them here the day that this happened?

My son was involved in the situation when they went up there to gather the cattle, and the Forest Service at gun point said, "If you try to gather any cattle here, we'll arrest you."

How old was he at the time?

Fifteen.

They were threatening to arrest a fifteen-year old?

That's correct.

Did that leave a lasting impression on him?

Oh, I think it did, because I think he began to understand that government is not your friend. Just like George Washington said, government was just like fire. How did he put it? A "dangerous servant" and a "deadly enemy," something to that effect.

Of course, he had watched the Forest Service for years here. Watched the drug addiction among the Forest Service people, watched the public drunkenness, watched the criminal activities that they were involved in, watched the Forest Service inside theft arrangements where certain people in the Forest Service would steal things belonging to the Forest Service and split those proceeds with other people high

up in the Forest Service. He was pretty well aware of the fact that the Forest Service is a very, very corrupt organization with a criminal mentality. So I don't think it came as any surprise to him. He handled the situation in Meadow Canyon, but I'm sure that it did make a lasting impression on him just like the rest of it has.

Now, you were going around with a camera taking pictures of people who I assume would prefer not to have their pictures taken.

That's correct. Most of the pictures I got were of their back as they were going away because soon as they saw the camera, they'd duck and run.

Did either you or your son ever feel personally threatened that day?

When my son drove up there with the rest of the crew and they were getting ready to unload their horses, he was sitting in the middle of the pickup between two other guys. One of these phony Forest Service cops was reading the riot act to my crew and telling them that they couldn't gather any cattle and that they had to get out of there and not interfere. One of them looked at my son and recognized that he was my son, and he said to my son, "And if you say anything, I'll handcuff you to the side of this Forest Service pickup over here." My son hadn't said a word.

I repeat again, the Forest Service has no law enforcement authority, but nevertheless, what the law says doesn't bother the Forest Service very much. That guy got the Forest Service in so much trouble, largely over this issue, because what has happened as a result of them stealing those cattle, we got this issue into the United States Court of Federal Claims. We were able to get a very high court ruling on the one issue where the Forest Service *and* the Bureau of Land Management have devoted almost a hundred years to keeping any resolution of that issue from happening by way of the courts. But because they overstepped their bounds on this, we were able to get the issues into the right court and finally get a court that would say plainly that we own the forage on these allotments and we own the water on these allotments.

Of course, that has been a very devastating thing to these agencies with their long-term plan to continue to propagate the myth of the public lands. The long-term plan was basically to steal these allotments from people and never have to pay any compensation for them. So the damage that the Forest Service did to themselves with that incident, I think, has probably been unparalleled in Forest Service history.

You make a very clear distinction between what some people call "public lands" and "federal lands." Can you tell me what that distinction is?

I'll use the Supreme Court definition. The Supreme Court has said that public lands are those lands available to the public for purchase and/or settlement. Obviously these lands out here in the West, whether they're national forests, whether they're grazing districts, whether they're national parks, whatever they might be that are referred to with the euphemism "public lands," they are obviously not lands that are available to the public for purchase and/or settlement. All a person has to do to prove that is to try to buy some or go out and settle on some of them and see how long it takes for the federal government to show up with maybe a massive show of force and bodily remove you from those lands. So

these lands, obviously, are not public lands. You can't purchase them from the federal government, and you can't settle them.

So let's talk about what the Supreme Court has said that public lands are *not*. The United States Supreme Court has said that, "Land to which any right or claim of another attaches are *not public lands*." Well, all of these lands out here that the environmentalists, the Bureau of Land Management, the Forest Service have been for years portraying as public lands, *all* of these lands have rights or claims of others attached to them. So if we're to believe the United States Supreme Court, then we have to say those are not public lands.

Now the lands in the West that became grazing allotments, many of which are now national parks, wilderness areas, et cetera, et cetera . . . but keep in mind, the title is never extinguished. The title is transferred, but not extinguished. These lands where these grazing allotments exist can properly be called "federal lands" because the federal government has retained an interest in these lands, primarily the mineral estate, and the United States Supreme Court has said that, "Land in which the United States holds any interest are lands of the United States," or in other words, federal lands.

So theoretically, then, if a person has a piece of land in the middle of New York City or the middle of Chicago, wherever it might be, or the middle of Los Angeles with their home sitting on it, and if the United States owned a 1 percent interest in, let's say, the mineral estate on that land or a 1 percent interest anywhere else, that land could be classified as "land of the United States." It could be classified then as "federal land."

With the grazing allotments, the split comes between the surface estate and the mineral estate. The surface estate right has been defined by the courts as "the right to use the surface for anything that doesn't interfere with the development of the mineral estate." I think any way you look at a grazing allotment, it fits absolutely the definition of split estate, a surface-estate right in federal lands.

So the term "public lands" is probably the most self-defeating term that the western community has ever used or could ever use, because when they use the term "public land" what they are saying is there are no private rights involved. We see people going to court and arguing about their grazing rights on the public lands, or their water rights on the public lands, when the fact of the matter is if they are public lands, there could be no private rights. What those people should be arguing is not about public lands but about their grazing allotment. When you talk about a grazing allotment, you're talking about a private property interest in the surface estate of federal lands and that makes an entirely different argument out of it.

You had mentioned earlier that back in 1991 your crew had gone up to gather cattle. Do you run a crew today?

No.

Why not?

Because I'm not running the number of cattle we were running at that time.

So overall, can you describe the difference between the day-to-day operations of the ranch before 1991 and the day-to-day operations today?

We're operating at approximately 12 percent of the capacity that we were operating at in 1991. That means that we have a proportionate decrease in the amount of hired help, a proportionate decrease in the amount of many of the other activities that used to go on here.

So initially, this probably would have been classified as a class A operation?

It was considered the best ranch in the state of Nevada by the lending institutions.

You have a case in court which presumably, somewhere down the road, will be decided. Do you have plans, if it's decided in your favor, to bring the ranch back up to 100 percent operation?

It's already been decided in my favor. I have down the two most important decisions on the western lands to come out of the United States courts since 1890. They are overwhelmingly powerful decisions. So my case has already been decided. The *one* thing that we are still waiting for is a final opinion to follow up the preliminary opinion which would then allow us to move ahead on our claim for compensation against the United States for shutting us down these past ten years. So as far as the case being decided, it, for all practical purposes, has been decided about as favorably as we can ever have a case decided. What we are waiting for at this time is the opportunity to go after the compensation.

Do you have plans then to try to come back up to running a crew on a full-time basis, running the same number of cattle that you had before?

Yes, or maybe more.

Do you have any kind of an answer for people who would say, "Well, AUMs, the Animal Unit Months that you're given, are a form of welfare."?

Let's take your question and decipher it.

The term "given" is used, that you're "given" these allotments.

Well, my answer to that would be that if in fact the AUMs were given or granted or that the allotments were given or granted, then I would agree with those people and I would say that's most certainly a form of welfare. Now, the fact is a lot different than the myth, and, of course, the Forest Service, the Bureau of Land Management, the environmentalists for *many*, many years have manufactured the myth of the public lands, going back to exactly what we were talking about awhile ago.

Based on the myth of the public lands, then they say, "These people are operating out there in the federal lands, and the only reason that they're able to run livestock out there is because the government grants them a conditional privilege, and those lands belong to all of us, and we don't see why they should be able to run cattle out there and make a profit on those cattle," if any a rancher ever does, I would add as a commentary. But their reasoning is based on the myth of the public lands. Keep in mind, if they're public lands, what other conclusion could you come to? You'd have to come to the conclusion that it was a form of welfare.

Now, the facts are much different than the well-manicured and publicized myth. These are *not public lands*. We said awhile ago that lands to which any right or claim of another are attached, according to the Supreme Court definition, are not public lands. So, obviously, the grazing allotment out here that a rancher has is not public land. We also find that it is legally defined as an “appurtenance, an appurtenance to a base property.” An appurtenance is something that is associated with, attached to another property and is involved and contributes to the function of the whole property. We find that these allotments were lawfully adjudicated based on lawful property rights established under state law, and keep in mind that only the states can create property; the United States cannot create property. But the United States did adjudicate this and adjudicated all these allotments and grazing rights to settle the conflicting claims of the ranchers and their descendants who had settled the West.

It’s no different than when a court sits as an adjudicating body in settling an estate, or when a court gets involved in a water adjudication over water rights. The private property rights in the range were adjudicated by the federal government, just like if a court sits in an estate adjudication, settling a dispute between the claimants and an estate. Just because the court is involved in that adjudication doesn’t mean that the court or the judge is going to claim to own the property when he gets done. The adjudicator is supposedly sitting there as an independent third party, unbiased third party, to determine whose claims are valid and to what degree they’re valid. Now, that’s a role that the United States played in the adjudication of these ranges. That’s the very reason the Forest Service was created, was to adjudicate the private rights on these lands that had been withdrawn as a forest reserve. That’s why we had the grazing service, which later became the Bureau of Land Management. It was for that purpose: to survey these private rights and to draw a plat map, which became evidence of title to that range.

Now, as to any concern about whether or not they’re private property, any time that one of these ranchers goes into an estate settlement upon an owner’s death, the Internal Revenue Service comes in and they assign a value to the ranch. They will, in their appraisal, assign so much of the value to the livestock, they’ll assign so much of the value to the patented private property, they’ll assign so much of the value to the grazing allotments. In two cases with the neighbors, Joe Fallini... in relatively recent years when the IRS came in and appraised their ranches in an estate settlement, in both cases approximately 70 percent of the value upon which the estate was taxed was in the grazing allotment. So the Internal Revenue Service recognizes that a grazing allotment is private property, and certainly the local taxing authority recognizes that because a grazing allotment adds immensely to the value of the base property.

Are you paying property taxes then based on the value of the allotment?

Certainly, the county or local taxing authority recognizes the private property value of a grazing allotment, because when they send a rancher a tax bill, they send him a bill based on the value of the entire ranch. Now, keep in mind that many of these ranches particularly here in southern Nevada are 1 percent or less patented private property. Ninety-nine percent is not uncommon to be a grazing allotment. If the taxes were based on that 1 percent and that 1 percent only, that rancher wouldn’t have a very big tax bill. It probably wouldn’t be much more than what it would take to buy a cup of coffee.

However, he’s receiving a tax bill for usually thousands and thousands and thousands of dollars. Where does that other value come from? That’s a contributory value of the grazing allotment. So when the tax bill on any property comes to the base property, and as that property is defined in the legal description, that tax bill includes the contributory value of any and all appurtenances that relate to that property. The grazing allotment is an appurtenance. It contributes the greatest part of the value to the

overall property, and so the county or local taxing authority *rightly* taxes that property for its full value, which of course includes that contributory value of the grazing allotment. So both the local authority tax grazing allotments, and the federal authority taxes grazing allotments as private property because, in fact, that's what they are.

So, going back to your original question, what about these people that refer to ranchers running out here on this range as receiving some kind of welfare? The world is full of ignorant people and the world is full of people that are willing to keep other people ignorant for their own objectives and for their own purposes. So to expect everybody everywhere to have all understanding under the best of certain circumstances is unrealistic, and it is certainly not realistic to expect the broad general public to understand this topic when the Bureau of Land Management, the Forest Service, the whole environmental movement, and the old conservation movement—and we could name others—have *dedicated* themselves, have sponsored the writings of *numerous* books and articles and television productions on and on and on to perpetuate the myth of the public land, to perpetuate the myth that the ranchers out here are getting something for nothing. When the public is bombarded with that, you can't blame them for being ignorant. Ignorant just means lacking knowledge, and we're all ignorant in some field.

You mentioned the range adjudication. What year did that take place?

These adjudications in here began in 1907, 1908 and actually were pretty well finalized by 1908 as far as most of the fieldwork went. But the adjudication really isn't complete until you have a plat map based on the official government survey. So this adjudication by the Forest Service in here was completed around the year 1918. Now, the adjudication of the remainder of this range under the 1934 Taylor Grazing Act was not completed here until 1968. So there was a fifty-year spread between the adjudication of the range in these mountains and the range in these valleys.

I can't remember the exact value of the AUMs right now. Wasn't it somewhere around a \$1.37? Another argument I've run into is that these AUMs, through the government, are at an artificially low price; that if you were to go out and rent private grazing rights, it would cost more per AUM than it does through the federal government.

That proposition is correct, that if you were to go out and rent private pasture, you certainly would be paying a whole lot more than a \$1.37 per AUM. But what did we just say? The rancher is not *renting* this ground. This rancher *owns this ground*. Now, the *real* understanding of that is he should not be paying the United States anything; he owns it. He is already paying taxes on it to the local taxing authority, and if he dies, he's going to pay an estate tax on it to the federal government. So he should no more be paying a grazing fee on an adjudicated allotment—\$1.37, 37¢, 3.7¢, or whatever it might be—he shouldn't be paying *anything* because it is all adjudicated. He is not *renting* from the federal government; he *owns* that allotment. He *owns* that forage, he *owns* that water. *Any more* than the person who may have made that remark, if you had gone to them and you told them that, "We realize that you own this home up here on Maple Street" or wherever it might be, "and you paid for that a long time ago, but because if you were renting that house from somebody, you'd be paying \$900 a month, therefore it's entirely unfair that you shouldn't be paying \$900 a month yourself." The guy would probably be flabbergasted at that.

"Well, I *own* that house. Why should I be paying *anybody* rent when I own it?"

"Well, you should at least be paying \$100 a month rent."

His argument would be the same. His reply would be the same, “Why?! I own it! Why should I be paying rent to anybody just because somebody who doesn’t own theirs is paying rent? Why should I pay rent if I own it?” I think it would make perfect logic, and his argument would be *perfectly logical*. He would be entirely correct.

Now, if that same person could just make the leap over and realize that the rancher’s argument is *every bit* as correct— he owns his allotment. The only problem here is that he’s paying *anything* to the federal government.

HELEN CHENOWETH-HAGE



Helen Chenoweth-Hage. *Photo courtesy of Helen Chenoweth-Hage.*

Susan Imswiler: Do you remember the first time you heard about either the Sagebrush Rebellion or the Jarbidge Road?

Helen Chenoweth-Hage: I heard about the Sagebrush Rebellion and the tensions between the ranchers and the federal government back in 1979, when the legislative Sagebrush Rebellion activity was going on in Nevada.

My firm, Consulting Associates, represented a group of Idaho cattlemen, the Owyhee cattlemen, in a dispute over the BLM's attempt to arbitrarily reduce a large number of their AUMs. The cattlemen thought it was unfair and financially devastating. There didn't seem to be any due process available to them in the BLM's actions. So we in *Idaho* started the Sagebrush Rebellion political arm and actually incorporated the Sagebrush Rebellion. This was the first time in history a rebellion was incorporated.

At the *time*, it seemed logical to me that what was known as the "federal unappropriated lands" should certainly be brought into recognition of state ownership. So

we worked hand in glove with the Nevada legislative effort and, in fact, held a number of fund-raisers and meetings together with those who were heading up the Nevada Sagebrush Rebellion.

The issue took off like gangbusters. We often commented that if *any* big corporation could have had something that would capture the public's imagination as did the Sagebrush Rebellion, they would have paid millions of dollars for it. But actually, the *media* is the one who raised the bar on the public awareness of Sagebrush Rebellion. I have since come to realize that the Sagebrush Rebellion was predicated upon a flawed legal basis.

What was that flawed basis?

The flawed basis was that these lands indeed were federal lands that were settled in the West under a split estate. That is to say that while the federal government retained ownership of the mineral estate, in the western states they allowed the surface estate to be settled under various homestead acts and various adjudication procedures. So today they *remain* federal lands with private rights attached. Those private rights have been defined by the courts as water, ditch rights, range improvements and forage. That means the rancher has a private ownership right in the water, the ditch rights, and the forage that are attached to the federal lands in his allotment.

So then they might have actually hurt themselves if they had managed to change jurisdiction of those lands from federal to state level?

Yes. Indeed, that's why they failed in the courts, because while the courts don't broadcast it, that's why they decided the way they did, that these lands remain federal lands.

However, there is a great interest that the state has in protecting a rancher's rights in his allotments, because it protects his productive capacity and maintains a larger tax base for the counties. The counties, of course, have a great interest in that, too, fiscally.

If they had successfully changed the jurisdiction from federal to state level, do you think the states would have had the budget to administer that land?

At the time when I was involved in the Sagebrush Rebellion, we believed that it would have generated more money under state management than under federal management; that the states indeed would have had enough money. But again, I say that it was predicated upon the wrong legal basis.

Why do you think it failed? You said it really wasn't going to work.

Yes, and a body of case law and historical statutory law recognizes that the western lands were settled under a "split estate."

For you, then, the Sagebrush Rebellion issue pretty much died by 1981?

It died because Republicans killed it. Ronald Reagan was a very brave politician and a statesman, and he recognized the plight that the western rancher was under. Indeed, he said in 1980, "I am a Sagebrush rebel." He embraced the Sagebrush Rebellion.

But then James Watt, a man that I admired at the time and have since admired, was nominated by the president to become secretary of Interior. During his Senate confirmation hearings James Watt did say that he would "diffuse the Sagebrush Rebellion." Between James Watt and various prominent Republican U.S. senators, who were in the majority at the time, they did diffuse the Sagebrush Rebellion, which I think, personally, was a mistake.

It was important through the Reagan administration, the Bush administration, and the Clinton administration that we keep these western issues alive politically, that we keep the politicians *jumping* and

very concerned about what's happening to the western ranchers. The good thing that came out of the Sagebrush Rebellion was that we were all organized in the western states. In fact, we had membership in the Sagebrush Rebellion from every single state in the Union, and that included Alaska and Hawaii, and even some from Canada. So it was a huge issue.

Unfortunately, the Republicans don't know how to use an issue like that to their political benefit, while the Democrats do. So while the Republicans didn't want controversy and prominent Republican senators didn't want controversy, they killed the controversy. It gave the agencies who were taken off balance by the strength of the Sagebrush Rebellion time to regroup under the Reagan and Bush and Clinton administration, and now we're in a world of hurt. However, I think a lot of decisions are going our way.

A couple of years ago, Nevada Senator Dean Rhoads also identified the Reagan administration as pretty much the end of the Sagebrush Rebellion.

Yes.

He felt that one of the things Reagan and his administration did was to make federal agencies more user-friendly and essentially take the wind out of the sails of those who felt that they were being abused by federal agencies. Do you think that was an accurate assessment?

I think it's perfectly accurate, and I think from my vantage point that's *exactly* what's happening.

Your firm did not do any more lobbying for the Sagebrush Rebellion beyond the Reagan administration.

No.

What was the next issue for you that came up in the Sagebrush Rebellion?

After the decision came out of the courts where the Sagebrush Rebellion lost, and after the Republicans themselves diffused the Sagebrush Rebellion, my firm continued to work in these natural resource issues, concentrating on energy, land, water, agricultural issues. From the end of 1978 until I ran for Congress in 1993, that's primarily what my business focused on.

When did you first hear about the Jarbidge Road issue?

When I was in Congress, the man who was chairman of the county commissioners in Elko County contacted me and asked if I would hold a hearing on the Jarbidge issue.

That was Tony Lesperance?

Tony Lesperance, yes.

What kind of information did he give you at the time?

It was very interesting, because the information that he gave me led my staff and I to realize—my staff on the subcommittee of forest-to-forest health—that we were only playing over a quarter of a mile of dispute on a road that was leading to an old mining town that few people lived in.

It takes a lot of money to put together an official congressional subcommittee hearing, so back in Washington, D.C., the perspective was, “*Why* would you be interested in coming out to Elko to do a hearing on the Jarbidge Road?” Well, in order to *prove* what my instincts were telling me... and that was when people like Tony Lesperance and various other people that I had talked to felt as strongly as they did and when they were taking the *stand* that they did, they *needed* the backing of Congress and they needed the backing of a plethora of laws and court cases that we could possibly help bring into focus with a congressional hearing.

So what I did first was to send my chief of *my* own congressional organization into Jarbidge to meet with the Forest Service on the site of the Jarbidge Road dispute. He drove many, many hours to get down there. I had sent someone from the subcommittee out to meet with the Forest Service at the Jarbidge Road dispute area, and the Forest Service failed to show. Well, that *really* got my attention. I mean, they knew someone from the subcommittee in Congress was coming, and my chief of staff, and they failed to show. So I thought, “Something is very wrong here.” I figured if they’re not going to give us answers on site, then I better subpoena records. So I worked with the committee and the chairman of the Resources Committee to subpoena the records.

Didn’t that result in something like a four-month delay in actually getting those records?

It did. It takes a while to get a subpoena out, but eventually, they knew they had to submit the records to the Congress under subpoena.

I’ve run across every possible opinion on the Jarbidge road from, “My husband and I liked to camp there; we just wanted the road open so we could get to the campground,” to the other extreme, the idea that it’s symbolic of everything that’s wrong in the West between westerners and the federal government. Where do you think the Jarbidge issue falls in there?

What I do have an opinion about is that in America we can all have our opinions that are different, and they should be respected. As a member of Congress, I respected equally the people who had a desire to camp or hike or just enjoy the outdoor experience, along *equally* with those people who felt they had a historic right; and indeed, they do have a historic right to control that road.

In late 1998 there were conflicting reports that came out. I’m assuming as chair of the Subcommittee on Forest and Forest Health, you probably received those reports: one from Nevada Department of Wildlife, saying that the bull trout was neither endangered nor threatened, and then another one from the U.S. Fish and Wildlife Service that said they were downgrading the bull trout from endangered to threatened. What do you do when you get conflicting information like that?

Well, both of those reports actually went against the Fish and Wildlife’s reason for working with the Forest Service and destroying that one-quarter mile area in the Jarbidge Road. It clearly demonstrates that the agencies today are not operating with great respect for the law, but rather they operate and even would be willing to destroy a county road to make a point and to *assert* their authority. That is why I

recognized, along with people all over the West, that this little quarter-mile dispute *became* symbolic of the struggle that westerners are having with the federal government.

You did finally did hold congressional field hearings in Elko on November 13, 1999?

Yes, I held the hearings as chairman of the committee, and Jim Gibbons joined me as the congressman who represented the area.

What did you hope to accomplish in those hearings?

Well, I had said that I would put the Forest Service under subpoena and they, then, would have to answer the questions. I was approached by Chief Mike Dombeck just a couple weeks before the hearing, that if I would not push the subpoenas during the hearings he guaranteed that the Forest Service would answer my questions directly.

Now, in a congressional inquiry where we have responsibility for oversight, the agencies *must* answer our questions. Out of respect of the balance of power in government, that's how we had always worked together until the Clinton administration. Even though Chief of the Forest Service Mike Dombeck had guaranteed the Forest Service would answer my questions if I just wouldn't subpoena, they failed to answer the questions, and that was the full purpose of the hearing.

Two days after the hearing when I was back in Washington, D.C., Mr. Dombeck profusely apologized, but by then the hearings were over. But we did serve a purpose. We got a lot of information into the Congressional Record, good information with regards to the historic background of that road and testimony from the county commissioners; testimony that was, in my opinion, conclusive that the Jarbidge Road actually was owned and should be controlled by the County of Elko.

So you were satisfied with the legal basis for the county claiming ownership of the road?

I was. That's why upon the request of people in Elko, I did write my final report on the Jarbidge Road, in which *my* decision and *my* conclusion was that the county owned the road and they should always maintain it and control it.

In spite of failing to get direct answers, were you fairly satisfied with the results of the congressional hearing?

Oh, yes, I was very satisfied.

Do you think that Gloria Flora's characterization of "fed bashing as a sport" in the West in general, and particularly in Nevada, is accurate?

Oh, that was one of the saddest chapters in this whole Jarbidge Road dispute, because I spoke with many, many people about her comments that the Forest Service now was not welcome in Elko. I had found even before the Jarbidge dispute came up that these people are pretty soft-spoken, and in fact they're very slow to fight, or very slow to get angry.

When you say “these people,” you’re talking about people in Elko County?

I’m talking the western cattlemen, and I frankly respect them and care for them a great deal. So I found her comment sad, as well as inaccurate. I remember from when I was working in the law school in Idaho that there were three axioms of how you win a case. The first one is it’s easier to win a case if you have all the facts at hand; if you don’t have the facts, then you use the law, and you use case law primarily; if you don’t have the facts or the law, then you bash your opponent. I found that indicative of what the Clinton administration was doing overall. She was part of the Clinton administration, and they tended instead of dealing with the questions that we had and dealing with the facts, they tended to bash their so-called opponent. She viewed the people in Elko as her opponent instead of as people that she was charged to work with.

Everyone seems to use the 87 percent number when talking about federal ownership of land in Nevada. Do you think that the federal land swaps and wilderness study designations either have or may be pushing that number up?

They may be, but the thing that worries me about the federal land swaps is generally they are done without the recognition of the ownership rights to the surface. Whether these ownership rights are contained in what we consider national forests or the lands that some people term “lands that are administered by the BLM,” if they don’t recognize the surface rights, then the rights perhaps could be lost.

For instance, in Nevada, allotments cover almost the entire state, and people today don’t know how to defend their surface rights in the allotments, because we as citizens still believe in the government, and we don’t want to believe that they wouldn’t tell us what our rights are. But the fact is they haven’t told us. In fact, they would dispute that we have surface rights to these federal lands; however, the courts have ruled otherwise, as I spoke about earlier. So the fact is that ranches and various other private property-rights owners have found their property being taken from them, and they haven’t known how to fight it.

So in land swaps that’s the only concern I have. I don’t mind the squaring up of certain lands if it makes it easier for state government, but they *must* recognize the surface rights.

You know, that’s what government was set up for — to protect the isolated person, and to protect their private property rights. But that has taken a one hundred and eighty-degree turn today, and that’s why individuals *have* to stand up for themselves. We can do it with grace and knowledge and understanding, but we first have to recognize those surface rights that the cattlemen and the sheepmen have in the federal lands.

Recently—this is September of 2001—there have been seizures of cattle from ranchers like Ben Colvin. Do you see this as part of a larger overall trend, or do you think these are individual instances?

No, I think it’s a trend. We’re seeing a *lot* happen. We’re seeing the same kind of seizing going on down in California—in fact, all the western states. My husband and I have been all over the West at various appointments and speaking engagements, and we’re just besieged with this kind of thing happening all over. One of the *latest* issues we just returned from is Klamath Falls, where actually in the

Klamath Basin they have more water than they've had in years, and yet they're holding the water back from releasing it to the farmers who actually own certain blocks of water.

That's interesting, because everything I've read in the paper indicates that there's virtually no water up there.

No, actually, there *isn't*, because they're not releasing the water to the farmers, but in the Klamath Basin they have had more water stored there than they have in years. Actually, the water is being taken to run through downstream hydroelectric facilities and generating electricity in this high-market period of electrical demand in California.

So essentially it's being diverted for commercial purposes by the...

Absolutely. It's just that: the government again operating outside *the law*. Finally, the farmers down there have asserted their rights in saying, "We own this water, and we're going to make sure that it's applying to our land." So at this point in time, it's going to be interesting to watch this as it evolves day by day.

When you said you think there's an overall purpose, where do you see it going? What do you think the point is?

Well, it's very interesting. Deep Throat said it in Watergate, "You just follow the money." I think that can be applied to what's happening to our land base in America. We have to ask the question, "Why does the federal government need all this land, and why is Nature Conservancy operating as the broker in taking the federal land?"

Very often, such as in Klamath Falls, land is targeted for government activity or government take-over or seizure, and so the land values of that land drop precipitously. Then Nature Conservancy comes in and offers the owner what they think the owner will take just to save their hide and get out from under the hassle. And so they get the land at a reduced value, then they turn around and sell it to the federal government for much more money, and Nature Conservancy keeps the broker fee. Now, people need to begin to look at organizations like Nature Conservancy in almost every land dispute. Where you find a large area of land involved in a dispute, you'll find Nature Conservancy coming in and being the "savior" and "taking the land off your hands" at a reasonable price and selling it to the federal government for much more.

So if you follow the money trail, it leads to Nature Conservancy.

And then to the federal government. Now, we have another law that is going through Congress called the Conservation and Reenactment Act, commonly known as CARA, that will *fund* the federal government buying out owners of their own private property. The government doesn't produce off this land; I mean, the government is not a good caretaker. Look at what's happened to our national forests -- they're burning up. We're losing human lives over bad decisions that are being made in fire situations. They are not good caretakers. So why are Congress and the agencies determined to fund more land acquisition to be held by the federal government? It's an issue we're going to have to focus on.

Do you have any theoretical answers?

I don't have all the answers yet, but I have an idea that ultimately the land may end up in the hands of those who have the money that can ultimately take the land off the hands of the federal government.

Why would they want to take the land off the hands of the federal government?

Because all of the wealth is contained in the land. America has been a very rich and prosperous country because of our ability to mine, mill, or grow off of the land. We have become a military might and an economic might in the past, before NAFTA and GATT, because of our ability to apply human energy to the resources in the earth. Now, man is being separated from those resources; the common man is being separated from those resources. Unless Americans realize what is happening, then our land ownership pattern, I fear, in the future will be held by what I term "the elitists."

That makes sense. Recently every geologist I've spoken with is in some other line of work.

Yes, most mines that are now operating in America are held by foreign interests. It used to be, from 1849 on, everybody could go out and try to seek their fortune, either in mining or in agriculture or in timber. It's that *human* energy and the creativity of the human mind that allowed America to become a nation that was wealthy beyond our founders' wildest dreams.

Is there anything that you think I should have asked you or anything I should have covered that I've missed?

I think you've covered the waterfront very well.

No wrap-up comments?

The wrap-up comments are that without a vision our people will perish, and we can never let go of the vision or the idea that's America. America was founded on individual land ownership, and when that is taken away and the resources are owned by just a few large land owners and large corporations, then the republic form of government that was set up, that we know now, will be destroyed. So there is more at issue here than private property. However, private property is probably the catharsis in this battle for freedom in the future.

BILL KOHLMOOS

Susan Imswiler: I'd like to start with just a little general background on what your work has been and how you got into geology.

Bill Kohlmoos: Well, after World War II, I wanted to get into ranching and I went to the University of California at Davis. After a year there, I began to realize that I needed more experience out in the field so I went cowboying and I decided to go work on ranches from Mexico to Canada. I'd work for three or four months on a ranch and then move farther north. Then I went back to school, and before long I was teaching at Davis. Then I got a ranch of my own up by Redding, California, and after ninety years of good years there, they had a drought, and that wiped me out on borrowed money.

The uranium rush was on then, and I had heard that there was uranium in Nevada, so I immediately came to Nevada; that was in about 1952 or 1953. I got involved in prospecting and I've been in it ever since.

When you were prospecting in Nevada, which companies were you working for, or were you independent?

At first I was independent, and then I thought I'd go to work for Kennecott for a month and see how the big boys did it. I stayed there for twenty-three years.

Why did you leave Kennecott?

Because the government shut them down.

How did that come about?

OSHA came into existence, and Kennecott had been producing five to ten percent of the nation's copper at Ely, at Ruth, for seventy or eighty years, and OSHA said that their smelter emissions were

ruining the environment and causing the people to have pulmonary diseases, and nothing would grow within fifty miles of the smelter. OSHA shut them down.

Had you seen this area within fifty miles of the smelter?

There were lush meadows, there were alfalfa fields, right under the smelter stacks. The people that lived there in McGill had gardens, beautiful gardens. The people themselves said there had never been any problem that they knew of, and they felt that the sulfur dioxide was beneficial. The OSHA reports were prepared by a doctor back East who, it was later proven in court, made up all his facts; made up everything, and it was all lies. But OSHA still went ahead and shut them down.

What did you do after Kennecott shut down?

I retired and I went sailing to the South Pacific. I bought a yacht and went down there, but I couldn't get prospecting out of my blood so this sailing trip, although it was most pleasurable, involved prospecting in the South Pacific, and then to Mexico. I prospected in Mexico off the boat, and then I worked up the coast to Alaska prospecting.

When did you come back into Nevada?

Oh, in 1979 or 1980.

So you were prospecting at the time that the 1964 Wilderness Act was passed and designated lands to be set aside?

Yes.

How did that affect your work?

Well, it reduced the area that we could go prospecting in, and a lot of good claims, good gold claims and molybdenum and metals that were essential to the economy, were closed off from prospecting. We knew they were there. I had claims there, but the area was closed.

What happened to your claims when they closed the area?

I just abandoned them.

How about the 1976 Federal Land Policy and Management Act, which said that public lands were to be retained in federal ownership under federal administration in perpetuity? How did that affect your work?

The word "policy" is in the name of that act. That act was introduced year after year after year and turned down each year until it was finally approved because Congress got tired of seeing it. And as the word "policy" indicates, it was policy. It was not a rule, a law, or something to follow specifically; it

was policy. So, the government agents in the Forest Service, the BLM, OSHA, other agencies could do anything they wanted, and then say it's policy and they were following the act. It was policy.

At what point did you become aware of the Sagebrush Rebellion?

Oh, immediately. Before the act was passed, the government was exercising more bureaucratic authority all the time — daily. They were employing more people. We had many more Forest Service rangers. Where they used to be men who had grown up here and been involved and knew what was going on around them, they were bringing people in from back East who never saw the West, never saw ranching, never saw mining. They came out there and they complained about the dust on the dirt roads, and they would have to close a dirt road because when a car went down it, it made dust, and that was bad. Many of them were very young and inexperienced. And this was going on before FLPMA (the 1976 Federal Land Policy and Management Act) was passed.

How did you, then, become involved in the Sagebrush Rebellion in Nevada?

I had mining claims in several different places; good mining claims with ore that had proven. In each case there was an old timer's cabin. In one case, down by Topaz, I had a number of claims there that had a *beautiful* home built in 1870. It wasn't big; it was small. It was a prospector's house. It was one bedroom, kitchen, a living room, but it was well built and it was antique.

The Forest Service came in, and they couldn't do it themselves; they were afraid to. They got the Marine Corps to come in from Markleeville with a bulldozer and bulldoze it down and burn it. Things like that kept happening to us. I lost three houses in three separate locations. The Sagebrush Rebellion was starting and I just fell into it. It was natural.

Who did you first talk to?

Rick Blakemore. See, I was a bush pilot, too, at the time, and I used to fly into Tonopah. Rick was a state senator, and he was running the Tonopah airport. He was one of the two people involved in starting the Sagebrush Rebellion. I used to talk to him all the time, and it just developed naturally.

Were you trying to get people from the mining industry to become actively involved?

I could see beyond that. All the people in mining were involved. They were up in arms. They were angry, they were hurt, their lifetime efforts were wiped out. But there were also the ranchers and the logging people, and other people; sportsmen and weekend people who go out weekends for a picnic were involved, and I could see that we had to bring them all together into one concerted effort.

What were some of the specific things you did in trying to bring about that concerted effort?

Chapters were organized by the people in various cities such as Red Bluff and Redding, Sacramento, Placerville, Saint George, Utah. In Colorado there were a number of places that started chapters. And so that the thing wouldn't be going in opposite directions all over, we brought them all into

one central organization. We didn't try to control them, but we tried to spread out information and helpful guidelines to all of them to work together.

What kinds of specific things were you doing at that time to implement this?

I would go to meetings. I'd go to a meeting in Redding one day; I'd be in a meeting in Pueblo, Colorado, the next day. I would fly, and at the same time I was working and doing other things, but I would fly to these meetings maybe once a week on the average I would guess, on a weekend. I would attend the meetings and tell them what other chapters were doing and what *should* be done, what *needed* doing.

What were you hoping that the mining industry might do in all of this?

We were hoping to contact our congressmen and let them know what was going on, and to curb the power of the bureaucrats, the Forest Service and the BLM; they were out of control. They were doing whatever they wanted whether it was within the law or not. They were just out of control. In fact, there was a shoot-out with prospectors near Red Bluff on Cottonwood Creek. There was a shoot-out between forest rangers on one side and prospectors on the other side. Nobody got hurt, but....

Then in Utah the BLM went into a ranch and shot a whole bunch of cows along the river. They shot them in the legs so that they broke the legs and the cows were laying there suffering in the sun and dying from not being able to move.

What year was that? Do you remember?

No. All these things were happening during a period of the early 1970s and mid-1970s.

Were there any other instances of things that you remember during that period of time?

Oh, a lot of little things, like over in Utah, at the Dinosaur National Monument, there's a parking area on the side of the highway and a big sign, and you can look over into a field and see the Dinosaur National Monument. The sign says that these dinosaur bones are being destroyed by noxious gases from a smelter in McGill, Nevada, which was 180 miles away and had been shut down for years. Things like that — how they distorted the truth.

This is not in answer to a question, but it's part of the story. One man came to Ely to meet with Kennecott's management, and he introduced himself. We went out to a dinner meeting with five of Kennecott's top people, myself included, and this man, and he introduced himself as *the* leading environmentalist in the world.

Do you remember his name?

No; I have it written down some place. I could see if I could look it up. But he said he was a graduate of Harvard, a graduate of Yale, a graduate of the University of Montana, and he went to Florida, and he studied at Davis, California. All environmental and biological and agricultural studies, and his education now made him the best environmentalist in the world. He came to Ely to tell Kennecott that the

mine was too close to the town. The dust from the mine was affecting the people in the town, and Kennecott should move the mine thirty miles away.

Kennecott should move the mine?

That's what he said, yes. We put the mine in the wrong place.

Did he understand the nature of ore deposits?

No, he did not. I offered to take him out in the country and show him cattle ranches where the feed was higher than the back of a cow, where there were lush fields of sagebrush naturally growing, where streams were running clear, crystal clear, with trout, and he said he didn't want to waste his time. He knew that was a lie and he wasn't going to waste his time to go look.

What was the outcome of that meeting?

The guy went back to Washington and reported that he had told Kennecott what to do. Well, when OSHA got around to shutting Kennecott down, OSHA said the same thing, that the smelter fumes were causing the problems.

OSHA sent a panel to Ely to talk to the people. They had an evening meeting at the school, at the high school. About two hundred people showed up, local people. The OSHA people, there were eight of them up on the stage, and a desk, and they were sitting in chairs, supposedly listening to our input. Several of them were sleeping and snoring during the meeting. Some of them were reading newspapers. Several of them were talking. One of them was reading a book. Only the chairman would occasionally get up and ask for somebody else to comment. He was the only one that appeared to be halfway there. The entire committee paid no attention to what anybody said, and very shortly after that they shut Kennecott down.

Once Dean Rhoads and Norm Glaser (Norman D. Glaser) had introduced the model Sagebrush Rebellion Bill in 1979, did you actively lobby in the mining community for support of that, or what did you do?

No, we didn't have to; everybody came to us. People were... it was close to a *revolution*, except that the people in the cities didn't know what was going on. The average person had no concept, no idea. It was only those few people who were out in the country, the ranchers.

Joe Fallini, big ranch down by Tonopah, the other side of Warm Springs, got an order from—I don't know who, OSHA, some government agency — that he had to put an outdoor toilet on every five-acre parcel. He figured that he'd have to put over two thousand toilets out there. He had one employee and himself, and he was faced with that order. It was a government order.

What ever happened?

He didn't do it. But things like that were happening.

Well, these people came to us. We had a meeting more recently, within the last five years, in Tonopah where the BLM came out with a *whole* new program for running their job in the Tonopah area.

That included taking over the Locke ranch, with its private cemetery, private ground, and the water, because there was a rare fish somebody “thought” they had seen there, and there was a rare butterfly that was extinct that was there. How that could be, I don’t know, if it was extinct, but they had all these plans.

The people who attended that meeting, everybody there, about forty people, said that they had not been informed of the meeting. I had not been informed. I just heard about it twenty minutes before the meeting by word of mouth. When the word got out from somebody in the school that the BLM was going to hold a meeting there, the word got out and people in town passed the word around real fast and people came. Not a one of them had been informed in advance of the meeting. The report had been issued three months earlier; nobody had ever seen a copy of it. Those people were in a verbal argument with the BLM. As a crowd they stood up and were stamping their feet and yelling at the BLM and calling them liars. Now when you get forty people that agitated, there has to be a reason behind it to do that. They’re hard-working, intelligent people.

You said earlier that people in the mining industry were a little hesitant to really confront some of the federal arms of the government?

Not the people on the working level. Some of the larger companies—mining, logging—were afraid to oppose the government because then they were afraid the government would come back at them ten times harder. So a lot of the larger companies were very hesitant to do anything, but the people, the individuals like myself, we were all up in arms. Not actually in arms; I mean we were angry and opposing them and trying to do something with words. That’s what the Sagebrush Rebellion was: it was words, and meetings.

The bill passed, and nothing really came of the whole thing. I’ve heard a couple of theories on why the Sagebrush Rebellion built up this tremendous head of steam and then suddenly kind of died. Do you have any theories on that?

Yes. People like Rick Blakemore, myself, and Dean Rhoads, and others who were involved, we were doing our best to accomplish something through the Sagebrush Rebellion to get attention, to get changes, to get Washington to understand what the truth was, and we were succeeding; we were getting power.

As I had mentioned, we had chapters in California, and Nevada, Utah, Colorado, New Mexico, Arizona, and I think that the powers-that-be saw we were making progress. I could see where people were coming in who were not really involved in ranching or prospecting or logging or mining, and yet they were active and working with us. Then they began to cause friction and problems, making the loggers oppose the cattlemen and the cattlemen oppose the sheepmen, which had already been going on for a hundred years, but they brought these differences of lifestyle and opinion into play and divided us up. In other words, we had *traitors* in our ranks, and saboteurs, and I think that they are the ones that broke it up.

What do you think the overall effect has been on the mining industry in the last, say, ten to fifteen years?

We are completely wiped out. We’re out of business. It’s impossible to do business. The policy, and then the rules and regulations that were passed under that policy without any contest just came into existence and they were all powerful. They wiped us out. There are no mining companies left, except for

one or two of the larger ones who already had a successful operation. They're hanging in there and they're continuing. All the smaller companies—the medium sized, the small, and the individuals—are out of business. The companies that had some money moved overseas. They've gone to Mexico or South America. A lot of them just went out of business, a lot of them went broke.

The individuals like myself—I'm the president of the Nevada Miners and Prospectors Association. We used to have six or eight hundred members. We're down to about twenty-five members now, and we know of nobody, not a person as an individual, who's doing any prospecting or any mining on his own today.

Twenty or thirty years ago, there was a bit more of that type of activity?

Oh, lots of it, yes. Yes. There were a lot of people involved, and the 1872 mining law is still there. We work under the same rules, but because of the additional rules and regulations, like posting bonding and getting approval, you can't go in and stake one claim and start digging a little hole six feet in diameter and there's gold there. You can't do that today. It takes years of study, you have to have archeological studies, environmental studies, and anytime they want, they can come in with an environmentalist who will say, "Oh, there's an extinct butterfly which 'should' be here." Actually, they use butterflies and moths in these cases, and then they require a bond. You have to post a bond of three hundred thousand or whatever in order to do anything, and you can't do it.

The mining industry always seems to have these feast-and-famine patterns. With things like the Jarbidge Road controversy, the county supremacy movement, Wayne Hage's case, do you see any potential changes in operating policy or law on the horizon, or any changes within the industry itself?

I think the government is more powerful than us. They've won their point and they're sticking with it. I can't see how it's going to improve.

People say that mining is not necessary. We had a congresswoman, a lady back in Washington, D.C. A group of mining ladies, geologists and others—a group of ladies from Nevada went back to meet with this congresswoman. She said that, quote, "I know that mining is important to you out in the West, but we don't use much metal here in Washington or New York. In fact, I don't even own a car." [pause]

Now you think about it, metal is used in electric wiring, in the pencil you use, in your car, in your dishwasher, in your food. Food can't be produced without it. What will we do for food if we don't have any metals? The people back East and in the cities here, in San Francisco or wherever, they don't comprehend what the total overall picture is of supply and demand and the economy and the necessity of metals and food and wood.

Here in Reno we're building thousands of houses. Drive in a circle around Reno and Sparks and you'll see houses going up every place. What are they being built of? Cement, metal, and wood. Where's it coming from? Well, I don't know. The government is trying to stop it all, and I think it all boils down to global socialism.

There was a period in the 1970s and early 1980s where the movement of the bureaucracy was gaining strength and size, where you could drive across Nevada—I don't know about other states, but I was told it was the same—you could drive from Reno to Austin and down Smokey Valley and you would pass more government vehicles than you would pass private or commercial.

You go over the hill from Smokey Valley into Monitor Valley, and I made a list one day. I forget the numbers, but there were six or eight cars—I wrote down the license plates—painted white or green for the Forest Service, with government plates. In each car there were at least six passengers, and in many of them they were all young girls in uniform. Their doors were locked and their windows were rolled up, and they would not stop. I'd be driving down a valley road in Monitor Valley or Smokey Valley and pass one of these and then another and then another.

Finally, at the Frontier Tavern at noon, I stopped and there were a couple of these cars there. The Frontier Tavern is at the junction of 376 and 50, east of Austin. They were in for lunch. I asked the girls what they were doing, and they said, "Oh, we're with the government and we're looking for people that are violating the rules."

All they were doing was driving up and down the roads. They didn't know what they were looking for. I asked them what rules and what violations they were looking for. Well, they didn't know, but anybody violating the rules, they were going to charge some up for violations.

At the same time as all these cars were running around there were a lot of new rangers.... I'm not against women working in a job like that; that's fine, if they're qualified. Men too, if they're qualified. It doesn't matter to me. But, it was almost 100 percent female and almost 100 percent looked like they were under twenty years old and almost 100 percent came from back East—New Jersey or New York—and they had never seen the West before. They were scared; they were really afraid of being out of a city, out in the open in the country. Like I said, they drove around with their windows rolled up and the doors locked. We were paying them to come out and....

I was at one of my claims and a truck pulled up and stopped. This man got out of the truck, and it was a brand new truck. It was white, government plates. He put on knee pads, he put on metal plates over the toes of his boots, he put on elbow pads, he put on glasses, thick glasses, shatterproof; he put *all* this uniform on and then he came over to me and he said, "How many men have you got working at this mine?"

Well, it was just a single claim and I was the only guy there, and I said, "I won't tell you."

He said, "What's your name?"

I said, "I won't tell you."

He said, "I'm going to write you up. I'm with OSHA."

I said, "Go ahead, write me up. I'm not breaking any laws."

He said, "You are: you don't have knee pads, you don't have a helmet, you don't have this, you don't have that, and I don't see any of your employees here. They're all hiding."

I didn't have any employees there so I just laughed at him. Finally he took off all of this stuff and he sat down and he said, "You know, I'm a prospector like you. I just got this job and they told me what to do, but I don't think I can do it." He said, "You're not violating anything." And he said, "I'm going to quit."

I said, "OK, now you got the government truck from your boss, what ply tires do you have?" Here he is a hundred miles from any place out on a dirt road. He had two-ply tires. I asked him if he had a jack. "No." Did he have a shovel? "No." Did he have a water jug? "No." Did he have a two-way radio? "No." He didn't have anything that he should have had out there and here he is representing OSHA. So that's the kind of government we were up against, telling us what to do and putting us out of business! They didn't know what they were doing, but they succeeded in putting us out of business. There's nobody left today like the individual prospectors like I was, like the others were.

There were hundreds of them, many hundreds of them in the West — in California, Oregon, Idaho, all over Utah, every place. Today there aren't any. They're wiped out. The small companies are wiped out. Anyway, the Forest Service just grew and grew.

Did you follow the Jarbidge controversy and all the things that grew out of Gloria Flora versus the town of Elko?

[laughter] Yes, yes. That was a good example of the people reacting and responding to an oppressive government. Their argument was good. The road had been there for a long time, the fish weren't threatened, the creek wasn't threatened, and they were doing what they felt was right. Gloria Flora was doing her job of opposing them and telling them not to, but she created a lot of the problem herself.

How so?

She came up with things and went to the press with things like a forest ranger was insulted in Elko, or a forest ranger couldn't get a motel room at a certain motel, or one of the gas stations wouldn't sell gas to a federal employee. Well, so what? Those are small things, but she made them big. She said that she was afraid for her people, for their safety, and she played it to the press, and the press played it big and put it on the front page, and it continued for month after month and it kept growing. The press thought it was a great story.

She played the game, and she was paranoid, and she was very imaginative in coming up with abuses and hurts that she thought . . . Heck, two people go to the post office at the same time and they have a meeting in the doorway. One of them might say, "Get out of the way," or something. I mean, so what? It doesn't mean anything, and that's all it was with her.

Do you think that there were instances where Forest Service employees were denied either gas or room or products?

Well, maybe there were. So what? That didn't hurt them. They can go to the next one. Nobody stepped on their toes or kicked them. They just said, "We don't like you." And I don't blame them.

The Forest Service wants to shut down logging, and they do. They stopped all logging and put companies out of business and put *towns* out of business, whole towns. I could name a dozen of them that I know of right in this area that are out of business. So the forest grows and grows and the underbrush grows and then we have a big fire, mother nature wipes it out.

We have one going right now, 17,000 acres, been going for four or five days and they can't control it, and it's going to continue and come right over to the edge of Reno because we didn't do the logging and cleaning that should be done. Mother Nature does it. She's been doing that for a thousand years, ten hundred thousand years. We control the forest by stopping all the logging. Well, it hasn't hurt it.

Up at Glenbrook, on the shores of Lake Tahoe, Mark Twain worked for a logging company up there. They clear cut for miles up China Basin and on around to Skunk Harbor; that was all clear cut. You walk through there today, it's beautiful, trees. You walk for maybe twenty minutes and maybe see one little, tiny, rotten stump where somebody had cut a tree a hundred years ago. It didn't hurt the land; it

grows back. It's renewable resources. So now we stop logging and what are we doing? We're building our houses with metal. Now we stop mining, what are we going to build our houses with? We'll be living in tents.

When my great-grandfather was born the world population was eight hundred million. Today, what are we? Five or six billion, and they expect in another ten or twenty years that will double, and I think we're going to suffer. Our children will suffer if they don't have metal and food and water. They can't do without electricity. You don't need a TV set, but you have to have food, and to get food you have to have metal.

Can you clarify that link between food and metal for people who might not be familiar with that?

Yes. Back in 1556, a man in Europe named Georgius Agricola wrote a book, a treatise, on natural resources. He said that one of the most important and necessary industries to mankind is mining. He said that mining is necessary to support agriculture and that mankind can't live without agriculture. But agriculture depends on mining, on minerals, to work with. Otherwise we'd be walking around in the forest eating pine nuts.

Agriculture is necessary. Agriculture depends on mining. The two are both vitally important to mankind. What I can see happening today is for some reason the top authority in the United States is trying to kill both industries. They've killed mining and they're working on agriculture and livestock.

It starts with the plow, and the pump, and the well. They're all metal, and the electricity in the wires. Electricity is generated with metal, and the wires that transmit it are metal, and everything about that farm is metal, everything that works it. The only thing that isn't is that soil itself, but everything else is metal.

After you produce the food, you have to distribute it. Now, if you go to California and look at U.S. Highway 5 going from San Francisco to Los Angeles, it's a big divided freeway with a steady stream of trucks in each lane going south bumper to bumper, and a steady stream coming north bumper to bumper. It's like one gigantic four-hundred-mile freight train going down and turning around and coming back. All those trucks are made out of metal. They're burning diesel fuel, which was produced with metal and is also a necessary fuel, and they are distributing the food — and the shoes and the pencils and the books and everything else.

That's the way you get your food, is it's distributed. You don't go out to the farm in Ohio and buy food and come back home to Reno. It's brought to you. The dairyman, he knows where the milk comes from, but he thinks that when he needs a new pickup he goes to the dealer, and if the dealer doesn't have it, he calls Detroit and they push a button and another one falls off the end of the assembly line. No. There are thousands and thousands of man hours in many different fields to produce that pickup. Likewise, the man that works in the automobile factory, when he needs a quart of milk, he goes to the store and it's on the shelf; that's where his milk comes from. If the shelf is empty, the storekeeper goes in the back room and gets it out of the locker and brings some more up front. That's where it originates.

So you're saying that Americans as a whole have lost sight of the origins of their foods and their materials?

Yes, and the necessity of all the ingredients involved in supplying those, like copper and molybdenum and on and on and on.

I was just a small part, one prospector, mostly in Nevada. I looked for gold so I could make some money. I wasn't looking at helping the economy of the world or the United States, but in looking for gold I found molybdenum, I found barite, I found copper, I found other things, and these all contributed to the overall picture. So my part did have importance to the country, although it was very small. My part and the part of the man next to me, and the man next to him, and all of us who were out there doing this, we did it for a profit, but we kept the economy working. The government, the people involved, wanted to put us out of business, and they succeeded, and now the economy *will* suffer in the future.

8

ELWOOD MOSE

Susan Imswiler: I want to start with one question of personal interest. You mentioned that one of your ancestors was a signer on this 1863 Treaty of Peace and Friendship. Which one was it?

Elwood Mose: He'd be the third one on the list. It's spelled Kirk-weedgwa. That's how it looks in English, but the Shoshone pronunciation is *Gukweeja* [u as in good, ja as in Zsa-Zsa]. It's got something to do with whiskers.

Are you arguing that this 1863 treaty between the Western Shoshone and the United States government created private property?

My personal view on the matter is that in Article Four, where it lists the creation of ranches, the establishment of mines, mills, and such, to what uses the land that's used by the Shoshone can be put, to me that creates private property. If someone establishes a ranch, and later on vouches for it, I think you can see that in the recorders' offices that one in a thousand recorded are quitclaim deeds by the federal government, meaning the federal government didn't have a perfect title to give to a purchaser, but, rather, a title as good as they could make. That's my thesis, and it's bound to be in the historical fact that the treaty was entered into; it was ratified by Congress; it was proclaimed by the president. It has a standing. It has never been abrogated by the United States, and the Department of Justice attorneys in our jurisdiction look at it as being in full force.

In fact, right now, the Dann sisters over in Crescent Valley are looking at it in terms of an appeal to the OAS, the Organization of American States, and what they called the Inter-American Commission. It's got enough standing that the Inter-American Commission is entertaining the Dannels' appeal for purposes of enjoining the United States from any more cattle seizures.

Do you think there is a similarity between that and the ranchers' argument that "first in time, first in right" created private grazing rights?

“First in time, first in right?” Well, I don’t know that I’d entirely agree with them, because our people—my people—were foreigners to cattle, and we wouldn’t know about “first in time, first in right,” but we do know that we were there first.

How does Article Six fit in with the creation of private property? The government might argue that Article Six says, “In fact, he’s agreed to remove to reservations and reside there.”

In my view, time has been suspended for 138 years. As far as I know, according to the treaty, it’s still 1863, because there’s never been any reservation established for the Shoshone that we did agree to move to. Reservations were established, but they’re outside the country that we identify as “ours.” As a result, we haven’t moved to any reservation. It is still an open question of where we’re going to move.
[laughter]

When that treaty created private property, that included the area of the Jarbidge Road, right?

That part goes with the establishment of roads, roads used by white men and everybody.

Is that how you became involved in the controversy, or was this simply a matter of going against the federal government at any cost, on any front?

I became involved with the Shovel Brigade on the basis of John Carpenter and Grant Gerber getting hold of me. In September, I think it was, in 1999, I’m tempted to say, they called me up and said, “What are you doing this Friday?”

I said, “Well, I don’t think I’ve got any plans, especially.”

So, they said, “Come with us and let’s take a ride.”

“Well, all right.”

So, we went to Carpenter’s place out here west of tow —the gas station there—jumped in Grant Gerber’s Suburban, and off we went to Jarbidge. We took a look around, got some sense of what they wanted to talk about, and they got some sense of where I stood on this whole business. As it turned out later, we were in exploratory mode. I wasn’t quite sure what they wanted or were looking at. They, in turn, weren’t exactly sure where I was coming from. But we discovered that we had some mutual concerns. We had some mutual viewpoints, and, later on, those got fleshed out, so that we all agreed that there were some really psychic alignments, we felt, and we knew that there was something there, but we were looking at it from slightly different viewpoints.

In terms of religion, you’re taking a Mormon, you’re taking a Catholic—I’m not quite sure what Chris Johnson’s religion is—and me, an Indian. Then you take our political views. You’ve got Republicans, and later on you have Libertarians and Democrats. But we all shared a common sense of public obligation, I think, and that sitting by and watching a federal agency determine what was going to happen to something, without any local involvement, seemed to offend everybody equally. So reaching back in our own individual experiences and our understanding of history, if there’s one thing that we agree on, it’s that if there’s one thing that sort of defines the Jarbidge experience, it is that everybody that I know has gone to an understanding of American history and where they stand in the relation to that history.

What commonalities did you find, initially, with Gerber and Carpenter?

I guess we all sort of decided that we had a mutual distrust of big government. From my standpoint, it was having to deal with the Bureau of Indian Affairs and its laxness in its approach to its responsibilities towards the Indians. For instance, I think there's a huge amount of money that's involved in a trust fund that the Bureau of Indian Affairs can't, or won't, make an accounting for, and the response of the federal government to local issues—it's infuriating and frustrating. So those were some of the common elements.

The road itself—well, Jarbidge is out a long ways from anywhere, and in most places, most circumstances, it wouldn't matter whether or not the road were closed or open, but it's one of those little things like Lexington in 1775. It's little things that set the flash point: John Brown's raid on the federal armory; Pancho Villa's incursion into New Mexico. These little things just happen to come along, and from there things spread.

We came in at a time, I think, where things just kind of fell together. I know Grant Gerber has been working on this public-land business, or opposition to public lands, for the longest time. He's been part of what we call the Blue Ribbon Coalition. John Carpenter has been a state legislator for, well, a long time. Chris, I don't know too much about his background, but he's been involved in political affairs. So everybody brought something, and everybody in return contributed something.

What did you hope to accomplish? Did you sit down and say, "These are our goals," specifically, or were your goals somewhat vague?

Well, I think that it sort of coalesced along the line in the sand. This is it: you're not going to push people around beyond this point. You're not going to close this road. That ultimately is what was expressed by all the people who helped pull the road, that this rock, which represented the federal government's obstinacy, and the federal government's impeding the free flow of people and, perhaps, commerce, wasn't going to stop people anymore.

How did the Shovel Brigade Corporation come about? Did that come later, after your initial trip to Jarbidge?

Yes. The Jarbidge Shovel Corporation came about as a result of the big shovel brigade in January of 2000. To me, that sort of just happened. You had Jim Hurst from Montana, who had been having problems with sawmills closing and the lack of lumber and, of course, subsidized Canadian lumber, which even Jimmy Carter had a problem with. He saw what was happening here in Nevada, and could relate to his own experience with the Forest Service. I think that was enough to get his dander up, that the Forest Service was connected with the road closure. The Forest Service was connected with its own agendas there in Montana. So they volunteered all these shovels, and they campaigned, and they started the shovels. They collected all these shovels, and Elko, Nevada, was the place to bring them.

The shovel brigade was an idea. It was a symbol, I think, because we discussed symbolism. What would be something which would focus the public's attention, and what would cause them immediate recognition that was simple enough for people to say, "That's what this represents"? So, the shovel idea was born. The shovel is a common, everyday implement. It's just basically a tool. It can be used for a lot

of things. So our idea was that in our case, it was going to be a symbol of a productive opposition to what people saw as arbitrary decisions about road closures for no good reason.

This built on the county's fight that had been going on with the Forest Service for some time over reconstruction of the road to Jarbidge. And connected to that was, of course, people's unhappiness with the Forest Service seeming to have lied to Elko County on fixing the road. And then, I guess, basically it was an old version of, "Federal government speaks with forked tongue." [laughter]

You weren't in the closed-door meeting in Reno that the accusation of the lies came out of, were you?

No, that was before I got involved.

But you were at the November 13, 1999 Congressional field hearing in Elko. You testified on some aspect of the road or the federal government?

Yes, I did. I testified as to the Indians' historical role in the creation of the road, and my point was that... let me back up here. Bill Price, who was a historian who did considerable research in the matter, took a look at some aerial photos, and he did a lot of historical research to determine how the road over the pass had been created. We surmised that the road had been created by human activity. I thought that Indians, being practical people, were not going to cross a mountain range—go up a mountain, go into the valley, climb up the next mountain and back into the valley—not within Nevada's basin and range. You'd follow the easiest course, which was usually associated with water, so the Jarbidge area seems a natural path. It also had Indian trails built on animal trails. The reasonable conclusion was that it was an animal track that humans started using, that the Indians expanded into a footpath, and later on, was used by horses and wagons, and then motorized vehicles and such. It led to a logical direction.

That was a basis of my involvement, to say that at the building area that this had been used. It was no longer in anyone's memory how it had been used, but we could make a logical conclusion that it had been used by humans, by Indians—the Shoshone—before the white man ever arrived, and that it was used by the white man, because white men are explorers, but not necessarily people who are going to make an alternate road when there's an existing road. So that was my point of petition.

What kind of reception did your argument get?

Well, I made a bunch of copies of my testimony, and they were all gone at the end of the hearings. So I imagine that people had a chance to read it, but more importantly, I was making the point that there was an 1863 treaty that had been entered into between the federal government and the Indians, and that the federal government had lied its way around the treaty, in my estimation, and this was typical behavior for the federal system—to make representations and promises, on the one hand, and on the other hand, have no intention of meeting its obligations and promises. The parallel I was trying to make was that we're all in the same boat.

What other kinds of testimony were presented at that field hearing, as you remember?

Oh, let's see, we had the scientific; we had the engineers; we had the historians; we had the mining experts. Let's see, we had Trout Unlimited, and they were, of course, talking about the threatened endangered species.

As you remember, what kind of a breakdown came out of that meeting, in terms of for and against reconstruction of the road? Who ended up, for the most part, on which side?

Oh, geez. I think, with the exception of one fellow, it was unanimous, as far as opposition to the federal government, and it turned out that the one guy who had a different viewpoint was married to the local radio station and TV reporter, whose sympathies lay with the threatened species. [laughter]

Did you have any opinion? You had mentioned that federal representatives of the Forest Service at that meeting may possibly have been less than forthcoming on the information requested?

That was a perception of just about everybody in the audience, that the federal government... and I can sympathize with them, you know. You are a federal employee, and you've got this executive discretion, I guess, or agency discretion, within your job description to make a decision or not make a decision. But also, passing the buck is a big thing in federal government, and if you can say that you can make an answer without getting in trouble. . . I did that.

I mentioned that I was a bureaucrat once upon a time, and that was in the List Administration. As part of what's called the Nevada Indian Commission, back in those days, which was a part of the governor's cabinet, I would get called to testify on legislation in the state legislature. You find it within your agency's charge, sometimes, that you don't really want to take responsibility for something, even though it's your obligation. So you find some way to blame other agencies for it.

It was a ruse, I guess, but just about everybody does it. "When in doubt, blame the federal government." So it was a sure-fire thing to blame every ill that affected Indians in Nevada on the federal government, and how exemplary the state was, as far as its relation with the Indians. I find that behavior is common to all bureaucrats, that you duck, you back and fill. I've seen it happen many times. Congressional testimony and United States legislative testimony is when your executives have their feet held to the fire. They may not want to do that. They've got to look at a career, unless you're that rare bird who doesn't have a career interest in mind, and you're willing to say that you can call a spade a spade.

But most agency people, I find, are not willing to do that, not when they're risking a career. So you tend not to answer a question straightforward, but you cite regulation. Who is to know about agency regulation? When you've got any one of the chapters of the code of federal regulations, it's obtuse. It's filled with legalese. Who knows what it says? And so, in the anthropological discipline, I know it's politically incorrect to say this, but some of the old anthropologists with the Washoes used to call them Dago Dazzlers. [laughter]

When you're on an anthropological dig, and the local population is standing around wondering what you're doing, you get wild and do some amazing thing. They wander off, satisfied that, "Wow," you know. You can't use that in this area, though. [laughter]

What do you think of Gloria Flora's allegations of fed bashing? At one point she said that fed bashing was sort of the state sport in Nevada. Do you think there was discrimination in Elko, or the Elko region, against federal, and particularly, Forest Service employees?

I think Gloria Flora . . . methinks she doth protest too much, in that, it comes with the territory. You've got some of these guys in the Forest Service who were from the local communities. Back then you had Forest Service rangers who were from the local community and maybe some BLM. The conservationists from the agency all were from the local community, and they knew that they had their finger on the pulse of the local community. They were stockmen themselves, or they were hunters and fishers themselves. Gloria, I think, is . . . I don't know.

You know, I kid people. I say that, well, it's a good thing for us Indians that Daniel Boone is on TV, and Fess Parker was doing his thing, because that colored a lot of people's perception about Indians. It gave us a positive image as opposed to some of the people on the frontier. Just to hear the stories about having a group of strange people come to your house in native dress, and they just might decide to burn you out . . . It's a far cry from that.

I remember being in school, learning about Smokey the Bear, and that was a heart-rending story. Poor Smokey. He was out in the wood, a cub, after the forest fire had come through, and, man, you don't want to see any forest fires hurt any more little bears. [laughter]

I think maybe that some of the federal people that have that image. It's an artificial image, and it's reinforced by Disney cartoons, Disney's Bambi, where everything in the forest is gentle and kind.

Native Americans are . . . I call ourselves Indians. Native Americans, I don't know if it's any illogism, but even that colors our perceptions of ourselves. Where we talk about Native Americans, it's got the ring that we were ecologically correct or environmentally sensitive. In history I don't think we were quite that way, but we are what the public image is of ourselves.

I think that some people in the agencies, and especially the Forest Service about that time, had an idea about where they stood. Sometimes it's a temptation to think of yourself as being good and everybody around you as being bad. If you're here, if you think of your charge as being to take care of the forest, and you've got these untidy people who want to drive their big four-wheel-drives or snowmobiles, or tromp around in the water, it offends you, it upsets you. I asked some of my friends, "Why do you want to be a cop?"

"Well, because . . ." They're not sure, but in the end, basically, it boils down to they don't like disorder. They like things nice and orderly. It offends them that people run through stop signs and so forth, so they take part of their own personal makeup, their feelings, and extend it into public life. There's always a hard case who says, "I don't care who you are; you break the law, I'm going to come looking for you." [laughter]

Maybe that's how it is with lawyers, but I think maybe the Forest Service had some thin skins. And you get a thin skin. It's like working indoors all the time. You go outside, and you can get a sunburn, if you're not used to it, and if you don't prepare for it. So, I kind of think that our friends in the Forest Service had, maybe, a little bit too long a spell working indoors, and they got outside and got sunburned.

As this controversy grew, did you attend the mediation session that Harry Reid called?

No. I did not attend the mediation session. There was a two-part thing going on then. The gate itself was in the planning . . . the big rocks out there had closed the road. The mediation was something that was going on between the county and the Forest Service. It wasn't until later when we got sued as the Jarbidge Shovel Brigade that we got involved in the mediation. I was not involved in that until the ultimate tail end of that when we met with Judge McQuaid to talk about, "What are we going to do with

the Shovel Brigade? Are we going to go on to litigation between the Shovel Brigade and the Forest Service or are we going to come to some sort of settlement?"

So we coupled our settlement to what the county agreed to, and the county looked out for us. I remember at one point that one of the county commissioners walked over to me. He said, "Boy, you be sure to have a good PR man."

I said, "Why is that?"

He said, "Well, the DA here is saying that he's not going to countenance anything in which any of you guys are going to go to jail." [laughter]

So I said, "Well, that's great."

When the big day came, July 4, 2000, were you up at Jarbidge?

Yes.

Tell me about that.

July Fourth. We weren't sure if it was going to come off or not, because we had planned to go up there in October the fall previous, and of course we were hit with a restraining order at the last minute. We ended up walking around and had a nice feed at the Outdoor Inn at Jarbidge. We raised, I think it was, approximately seventy thousand dollars with fund-raisers, and all that went for public safety. It went for a campsite. It went for everything connected with the event. Then we had no idea who was going to show up. We heard all kinds of rumors. Everybody and his dog was going to be there, from Earth First to Ku Klux Klan. I don't know. Everybody who was anybody was going to be there, so we had no idea how many people to expect, and in a way it was a relief that we didn't have these thousands show up. On the other hand, the people who did show up were pretty much just basic people who themselves had a concern about the federal government's intrusion into their lives. How many feds were there, we don't know, because they were in civvy clothes, undercover. [laughter]

There were these tales going around... and everything's anecdotal. I mean, you've got people saying, "I talked to so-and-so who said that he talked to a strange person who had no idea of where he was and had a lot of questions." So, every plane that flew over, people were looking at the rocks and so forth.

People said, "Well, if there's trouble, we're prepared." Who knows what that meant? What kind of trouble, and by whom? It was sort of unknown, but the paranoia level was about as much as . . .

I remember I took part in a lot of anti-war demonstrations back in the early 1970s. You couldn't help but be in school and be affected by the war. A lot of people were there because, I guess you could call them draft dodgers, but they had a student deferment. Of course, that was everybody's fear, that Uncle Sam was going to call you up, and you get paranoid about everything. I remember the popular thing of the day was that the FBI had established files on everybody, and you could request your file through the Freedom of Information but then, if you didn't have a file, then they'd open up a file on you because of your request. It's that kind of paranoia. [laughter]

So, it was sort of that but it's a lot of fun. You know, we go to scary movies to scare ourselves. People went to Jarbidge and had a good time scaring themselves. At the end of the day everybody was tired. I guess you could sum it up and say a good time was had by all. I'd hope that even the people who were there undercover had a good time, because nothing happened. It was very civil. It was entertaining,

and everybody got to pitch in and pull the rocks. Politically, I think it had a lot of importance. It might be a little bit too broad to say that it was a latter-day Boston Tea Party or Lexington or Concord, but it did make a point. I think it made enough of a point that people in Montana would think with the forest fires there in Klamath Falls

If you go on the Internet and look at some of the more conservative news—*Wordman's Daily*, even Fox News William La Jeunesse with Fox News has become a folk hero. William La Jeunesse had produced the news for some of the news programs, and people now have a friendly place in the media to call. Fox will come out, whereas your mainline ABC, CBS, NBC don't want to stir out of corporate headquarters. To me it's a reflection of what goes on in this country.

Take a look at the red and blue map in the last election. All the blue areas in this country are urban and all the red areas are everything else. To me, that sort of fits the sentiment in this country, that you've got a lot of people who are forgotten about when you fly from coast to coast. When you fly from urban center to urban center, there are people that live out there. There are people who fly over me every day, who have no idea that I'm down here, where I live. I got curious about it, so I checked on the Internet. I'll look at the planes when I have binoculars handy, and sure enough, the Dutch KLM Jumbo every day from Los Angeles to Amsterdam flies over my house. Lufthansa white community flies over my house. We get the east-west traffic. I'll tell you, most people in those planes have no idea what's going on down here. They probably think, "Oh, my God. How can anybody live down there?" But people live here. People make their livings here, and people have concerns here. Yes, the cities are what generate a lot of interesting things, but the cities themselves are not the United States. There's fifty of them, and it's not Washington, and what I call the "club of millionaires" that runs this country.

I remember taking a group of people who hadn't been to the Capitol. I forget what floor it's on, but there's a big compass on the floor. We went there, and I told them, "This is it. You're standing at the center of power in the entire known universe." [laughter]

They said, "We thought it was down at 1600 [Pennsylvania Avenue]."

"No," I said, "It's right here, according to 100 guys in the Senate and the 435 on the other side. This is the center of power, basically, in this world. And the fact that we can stand here without being asked for our IDs or any identification—this is *our* place. This is where we have accountability."

I guess it's that sense that I found out at Jarbidge on the Fourth of July. You could talk to anybody, and they could tell you a little bit about the Constitution. They may not know the exact details of the articles, just as I don't. I can tell you that Article One, Section Eight, the Indian part of the Commerce Clause, is where this treaty comes from. This is what I'm talking about when I tell you why I'm here, because I've got a treaty that's 138 years old that my great-great-grandfather signed. The promises that the federal government made have never been carried out, and that's why I'm here; that's my contribution to the day's events up there. So people said, "We didn't know that."

I said, "Now do now."

They said, "Oh, we're glad you told us."

Then I'd listen to them. "Where are you from?" As a result, later on I ended up in Darby, Ohio, with the Little Darby River that people want to turn into a preserve and such. There I found out about the Sisters of the River over in West Virginia, that the local governments and federal governments wanted to move. Then you hear all over about government excesses. So the more I listened about government excesses, the more I could relate to my experience as an Indian person, having to live under the thumb of the Bureau of Indian Affairs. I tell people, "This is why in January of 1999 I found myself on the steps of the courthouse."

They said, “Well, would you say a few things?” But they said, “Keep it short,” because I tend to be long-winded.

So I said, “OK. I’ll keep it real short.” So I took less in, and I said, “I’ll tell you what. You know the federal government comes to you and says, ‘Trust us.’” I can’t remember the exact things that I said, but it was, “The federal governments says, ‘We’ll make the decisions. Trust us.’” I said, “As an Indian person, I can tell you that doesn’t work. So don’t trust them.” That was it, and I got off the stage.

People later on came up months, a year, year and a half later and said, “Of all the people who spoke that day, I don’t remember anything else, but I do remember you calling us ‘new Indians.’” That’s a phrase that I think has some currency, because of the treatment of the Indians, although it’s not original with me.

A fellow by the name of Felix Cohen put together all the laws having to do with Indians back in the 1930s. With a name like Cohen you got to figure that he’s probably Jewish, and for some reason there’s something about the Jewish people that they’re sort of the conscience of the world, if you like. I thought it was interesting that the compilation of all the Indian laws was put together by Felix Cohen. He was working for a fellow by the name of Nathan Marigold in the Interior Department.

Cohen wrote, in one of the forwards to his books, that the Indian is like the miner’s canary. As long as his condition is good, the rest of the country is doing well. You look at that and say, “Well, geez.” In our case, I think, the canary might be on the bottom of the cage right now. Or it’s having some trouble breathing, because if the treatment of the Indian by the Bureau of Indian Affairs, a federal agency, is an example of what everybody can look forward to, then we’re *all* in trouble. So this is my message. I tell people to look out; don’t be like us. Don’t have the government come and say, “We’re here to help you.”

In fact, I had one BIA guy who just for a laugh came to the office door and said, “I’m from the BIA, and I never helped you guys.” He was standing there with a big grin on his face; we both knew what the score was. He was a big joker.

It’s like the old joke. The old Indian chief was having dinner with the local agency bureaucrat. They finish eating, and the bureaucrat says to the Indian chief, “Chief, I sure wish I had your appetite.”

The Indian chief gets all huffy and says, “Ah, you took my land, you took my water, and now you want my appetite?”

Do you feel like you accomplished what you had hoped to accomplish at Jarbidge, or do you feel like it somehow fizzled out?

Well, you never know what effect you have on other people. As far as what we planned to do, we said we were going to open the road. As of this moment, the road is open. The road has been opened. It’s a rough track, but it’s more than what it would have been otherwise. So in that sense, we accomplished everything we set out to do.

Politically, in northeast Nevada you would think that if there were going to be a backlash, it would be evident in who got elected in the last several elections. I’m not going to say that if you’re not sympathetic with the Brigade you’re not going to get elected. Elko County has been traditionally conservative, and so our politicians keep those viewpoints. But it does help that your political portfolio includes some association with Jarbidge, with the Shovel Brigade.

In fact, one of our local commissioners had an alternate view about the significance of the big shovel and its symbolic value. Oddly enough, he got involved in the Montana campaign, to take the big shovel up to Montana. Even in the newspapers, I guess, a bellwether of public sentiment is the letters to

the editor. The letters to the editor are almost uniform in maybe not wholehearted support sometimes, but they have general support for the goals and ideas and objectives of the Brigade. So if the newspaper is any indication of our success, we've been successful in that we heightened public awareness of what's going on. We took a little issue and expanded it to cover areas in Montana and California.

In this latest thing with the Klamath, they called their answer to the closure of the irrigation the Klamath Bucket Brigade. In fact, they constructed two buckets, one here locally, and one over in Salt Lake, and hauled them both over to Klamath. The one that was built in Salt Lake City got truck-napped to Malibu. Of all places, Malibu. You think, what do those people in Malibu have a beef with the federal government about? But they do. They have a beef with the preservation of the coastal ranges. So you've got the land owners down there who are saying, "We can see now what you are talking about. It's brought home to us, because *we've* got the local planning agencies who won't let us use our land."

In fact, this fellow back on the East Coast, out in Carolina or somewhere, wanted to put in a driving range. Then he planted some trees. Two hundred and seventy of his trees were planted in the wrong place, so the county came along, I think it was, and sued him, and then he spent a number of days in jail. He was complaining about that the other day, that here he is, his children are three-quarters Cherokee, and as far as him making a living, his children are being treated not very well by the powers that be.

So altogether I think it's like the public understanding and perception of the American Indian. Back in the 1800s the Indians were in a position to wipe you out—cut your throat or whatever they were going to do. Then Frederick Jackson Turner said the frontier ended in 1890. Promptly, everybody forgot the Indians, and they weren't rediscovered until about 1934. In 1924 the citizens were back, but in 1934 the Indians who wanted to organize themselves as a corporate government entity . . . That came on the heels of a Senate commission where all bases had a hearing here in Elko, Nevada, in 1928. It was making an inquiry into the condition of the Indians. Couple that with the financial times. I'd take a look at what was going on with the economy.

In 1929 the roof fell in on everybody, and there went your social Darwinism. The princes of capitalism who thought they were there at the top of the heap because they were naturally genetically superior by their creator were in the same boat as . . . They were doing better than the guy out in the street, but nonetheless, if you look at it in this country, I think that the 1920s was an interesting time, in that Franklin Roosevelt pretty much created what we know today. Take a look at the federal highway trust, Social Security—these are ideas which go back to the Great Depression. Fast forward, and along with that came the expansion of big government.

Actually, I say that big government started with Abraham Lincoln, with his suspension of habeas corpus and so forth. I think that it was the income tax and so forth to finance the war, too. There's a historian—I forget his name—his theory is that Abraham Lincoln, by himself, in the form of the Gettysburg Address, changed government forever and all time; that he took what was a plural United States and made it a singular United States.

That's the other thing I like to point out, that our treaty wasn't made with the single United States. It wasn't made with the United States that we know today, not this government. It was made with the plural United States, the many states which had united to form a federal government to which they had delegated constitutional authority to regulate commerce between the states and to deal with foreign nations and with the Indian tribes. This is where our treaty grew out of.

So taking the long view, the historic view, I say that our treaty is not some dead, dusty thing. Yes, it was found in an attic of the Senate in the 1950s, and people on the Indian side had forgotten about it,

but, nonetheless, it's a living-will document, and it's attached to that living-will document we call the Constitution. I'm not a big fan of the federal Constitution as being a document you can change as the need arises. It's pretty much established. It is there, and you deal with it. I don't know that I'm a literal, strict constructional speaker. [laughter]

Anyway, you ask what's the extent of the Jarbidge experience? Has it succeeded? I'd say yes, we succeeded if we could get people to talk about the scope of the government, to talk about the scope of personal accountability, and relate it somehow. Some people look at Jarbidge as being a fighting word, and other people look at it as a rallying cry. That's my answer.

When you were there on the Fourth of July, were you actually down by the river where you would be able to see if there was any environmental damage done?

No; we made sure that we stayed within the right of way, as defined by the RS2477 bill, that the county had. So, basically, what we were doing was staying within the center line and within that footage that defines the perimeter of that right of way.

Would you have been in a position to determine whether or not any damage was done?

Everybody was told to stay away from the river, stay out of the river. "Don't even think about tumbling anything into the river. You kids, don't be throwing rocks into the river." You might hit the" The joke was that you might hit one of those bull trout.

Well, ask people about June 25, 1876. Most Indians get a blank stare, except the ones that say, "Wait a minute. That was the day Custer bought it." [laughter]

So, extra care was taken?

Extra care *had* to be taken. As I said, there was a healthy sense of paranoia running through the crowd. No one was sure of what was going to happen. We didn't know if the federal grand jury was going to hand down indictments. We didn't know if the photograph was going to be, you know, perpetrator number sixty-four, or something.

So the message was keep clear of the river. We're here to work on this road. We were going to open the road and move the rock, but we knew that with the plans that we had made, we weren't going to go beyond what we had set out to do, which was to open the road, work on the thousand-foot section, carve it, and reset the screening that the Forest Service had put down to encourage grasses and stabilize the rock slope. That was the extent of the program.

The federal government had said that if anything as much as a blade of grass hit the river that they were going to charge environmental damage. In the end the charges that came down were for trespassing.

Yes.

Do you have any take on that?

Well, my take on it is what I told the field hearings, in that you're not going to accuse me of trespassing on my own land. [Speaking of field hearings held in Elko by Helen Chenoweth-Hage.]

I wondered if it was possible to trespass on public lands.

Well, I don't know what land we're talking about, because, as far as I know, and I harken back to the 1863 treaty, and this is what I ask Forest Service or anybody, the BLM. If you can direct me to the local recorder where I can find that my ancestors signed title, that it's recorded, and that we conveyed our title to the United States, I'd be more than glad to move to Guatemala or somewhere. But unless you can have that, I'm not going to accept your claim that you own this. It comes down to this, too, that when title passes there's consideration exchanged. That means money. In our case, we know that the federal government has said . . . They're like Bill Clinton. What's the meaning of "is" and all that. The government said, "You're being paid within the meaning of the word 'paid.'"

Well, I'll tell you, what the government did was they had what they called the claim process, where our lawyers prosecuted our claim to this land, and then, ultimately, the United States court decided that we were injured to the tune of so many million dollars. Then they took money from the right pocket and put it in the left pocket, and they said we've been paid within the meaning of the word "paid."

I told them, "I'd like to try this on a local car dealer. Hey, I want that nice truck over there. I tell you what. I'm going to pay you. I'm going to write a check. I'm going to put it in my right pocket and then move it over to my left pocket. Now, you're paid within the meaning of the word 'paid.'" It doesn't work that way. It doesn't work that way in a commercial transaction, and it sure don't work that way in the law, unless it some sort of law that I'm completely unfamiliar with. [laughter]

So the government makes these statements, and it has the hardest time understanding what we're trying to tell them. Of course, being Indians, we're politically few in number, so our votes... the great powers that be, pass over us. But once in a while, something happens where we can focus all this attention. So, the Jarbidge episode was good for focusing attention on the Indian treaty claims and people's dissatisfaction with the way that Forest Service lands are administered, or access to those lands is administered. So it brought all that up to the forefront.

Within about the last ten or fifteen years the Forest Service has become increasingly feminized. As you said, Elko County tends to be fairly conservative. Do you think part of the problem is that the feminized—and possibly feminist—Forest Service is now stomping around in a traditionally male, conservative domain?

I say, bless the women. Let them run everything. [laughter]

Is there anything I didn't cover that you think should have been included?

You asked about my involvement in this, and as I said, it comes from an historical viewpoint. Actually, the personal, family connection—my great-great-grandfather signed the treaty—is not a big thing to me, because my family, we're talking about the treaty. The other part of that treaty, the ugly belly of the treaty, is how it came to be. I found that out by research in the National Archives. I took a look at the cavalry reports, and the cavalry reports were uniform. They're the patrol reports right at the end of the 1862-1863 time that the military had help with the volunteers, who manned the fort down in Ruby and

established it under command of Colonel Connor. They had a mission to . . . I guess pacification was the word. So, the patrols went out under a man described as “the brutal Major McGarry.” The reports all came back the same. “Captured so many Indians; so many Indians were shot—trying to escape.” After about the third report, I’d say there’s a pattern that’s emerging here, in that, when the treaty offer was made to the Indians, the Indians literally had to seek the peace, because they knew what was going to happen otherwise. They would be hunted down.

It helped matters that Colonel Connor in the spring of 1863 went over to Bear River in Utah, the winter camp of Standing Bear, I think it was, and pretty much wiped out the village. Three, four hundred casualties. What the federal government acknowledged was two hundred and sixty-some-odd, I think, casualties, but Indian accounts and soldier account—the number was three hundred plus.

In the Indian world news travels fast, and certainly, by the time summer rolled around in 1863, everybody had a pretty good idea of what would happen, and the cavalry patrolled and so forth. I tell people if there’s anybody that we’re going to blame for what happened to us—the pacification, the Bear River, and so forth—it was the Sioux in Minnesota, who in August of 1862 were on short rations because of the Civil War. One of the Indian agents reportedly said to the Indians, “You hungry? Eat grass.” Well, they were short on rations, and so, I forget how the thing started out, but I think some young guys got carried away: a little raid, and pretty soon it grew into a wholesale conflict. I think the town of New Ulm in Minnesota pretty much got wiped out, and, as a result, that’s where you have three hundred and some-odd Sioux who were condemned to death. President Lincoln insisted on reviewing all the evidence of all the persons found guilty, and reprieved all but, I think, nineteen of the twenty-nine Indians.

I was up in Minnesota, not too long ago, and my local guide, showed me the federal fort, I guess it was, where the Indians were held following this Sioux revolt of 1862. Interesting; interesting stuff. So, I kind of think that, as far as federal policy, we were the recipients of federal policy after the Sioux uprising.

John Pope, General Pope, after his miserable performance in the war, after he was captured by Lincoln, was sent out to Minnesota, and there he did a good job. I get a kick out of him. Abraham Lincoln was asked, “Why did you make Pope a general of the army? I know that the Popes are all liars and braggers.”

Lincoln says, “Well, that shouldn’t stop him from being a good general.” But he did a good job with the Indians.

Lee Dazey in a very recent editorial, about a week ago, was arguing that in part due to the Treaty of 1863, the Federal Lands Management Act, which I think was around 1954, should be amended in favor of the Indians. Do you agree with Lee that the Federal Lands Management Act should be amended, or do you think it should be entirely thrown out across the board, because it was policy made after the creation of federal lands?

Well, I’m for anything which is going to incorporate people’s viewpoints. It’s too much of a temptation to say, “Well, some people feel this way.” Let me give you an illustration. I remember going to a hearing in the Nevada legislature, and one of the things that was up for consideration was a bill which someone had introduced which would put an end to the exempt licenses given Indians in Nevada. If you’re an Indian person and registered with the Department of Wildlife, you’re eligible for free hunting and fishing tags, providing that you provide the appropriate credentials as a member of a tribe. You’re from Nevada, and so forth. But it was kind of a drain on the budget for wildlife, because it was costing the

Department of Wildlife somewhere in the several thousands. So one of the legislators said, “This is a drain on the state, so we’re going to put an end to the exempt licenses, and the Indians will pay just like everybody else.”

I did some research into it and discovered back in the 1930s the legislator who originally had the exempt license put in was from one of the Scandinavian countries. He was an immigrant to this country and had become a legislator, and he had an estimation of the Indians that they had to pay for a license to hunt the animals that they had traditionally hunted for free, according to their customs. So he wrote that into state law, that Indians would not be charged for the license or tag; originally, it was tags, too. So I called up his son. I said, “Do you have anything in your family records which would shed some light on your dad’s...?”

He said, “You know, I don’t know anything about that, because he never said anything.” It was a mystery to him, and I couldn’t find anybody who went back to the 1930s and 1940s in the legislature who had any recollection of that.

So, come to the hearing. When they got into the hearing room, the black-powder hunters were beating up on the bow hunters, because they said the bow hunters had an unfair advantage over the black-powder hunters—they got an earlier start on the season. They were unrestricted, et cetera, et cetera. After their testimony, then they had the rifle and handgun hunters. Of course, they all beat up on the bow hunters *and* the black-powder hunters and their advantage, and they were unrestricted, et cetera. After that finished, then the Indian question came up on the exempt license, and everybody jumped on the Indians. “Well, the Indians are at an unfair advantage,” and this and that. “They’re unrestricted,” et cetera, et cetera. You can see a progression of little fish to big fish. I thought, “Oh, geez.”

Senator Jacobsen was chairing the panel, and I remember saying to him and the other members of the panel that in regard to the issue of the exempt licenses it wasn’t really costing the state all that much money, and it really didn’t have anything to do with anything, because the bigger issue, someday, might be that somebody in New York City or in some big metropolitan area would say, “Wait a minute, I’m an American. Those are animals out there that I should have some say about, and maybe I don’t want them being hunted by either bow hunters or black powder hunters or rifle hunters *or* Indians, because I happen to like deer, and I think they’re pretty, and I don’t think anybody should be hunting any animals for meat, anyway.” [laughter]

In a way I was playing devil’s advocate by suggesting that in our hurry to beat each other up locally, maybe we should start thinking about the bigger issue, and that maybe someday we would all be affected by somebody’s viewpoint in Manhattan. Well, it has come about, that people who live in the cities, who basically know nothing.... I’ll tell you what. On TV the other day, on HBO, I was watching Chris Rock, a black comedian, and he was going on and on about racial relations, and he said, “Don’t talk to me about racial relations. If anybody has the right to complain about race relations, it’s the Indian. Where are the Indians? I don’t see any Indians. Are there any Indians in this room? Ever met an Indian? Have you ever seen an Indian family chilling at Red Lobster?” And it goes on. He talks about the Columbus Day Parade and how he went down to Broadway to watch the parade and then he got to the Thanksgiving float with the Indians, and he said, “There wasn’t an Indian on there. There were a bunch of Puerto Ricans; there was Jennifer Lopez. There were no Indians.”

The thing is, people’s estimation about Indians, or how people live in the rural areas—exurban areas, I guess we could even say—they have no conception of what it’s like. It’s like the people in San Francisco. I used to read the *San Francisco Chronicle* religiously, and I got to reading Herb Caen’s column. I read that every day for I don’t know how many years, and I thought the people in San Francisco

were the wittiest, cleverest people in the entire world. They lived in this neat place, and according to Herb Caen, the people in San Francisco were just the most excellent, clever people around, to the extent that some of them never even left the city. [laughter]

Then, I got to thinking, well, yes, these people get their water from the Hetch Hetchy Reservoir up in the Sierra. It follows a pipeline for who knows how many miles. They have this idea about nature being Yosemite. It's like in the city, when you talk about the valley, it's Yosemite Valley. When you talk about the lake, it's Lake Tahoe. The bridge is the Golden Gate, unless it's the Bay Bridge. City people have this wonderful binocular view of life. They can only see what they see.

I learned the way to exist in the city is, if you're walking down the street and you don't think you want to be bothered, what you do is you sort of shamle along. You kind of talk to yourself, and no one will pay attention to you. That's urban preservation, so what people do in the cities to create their place, they adopt a viewpoint. Urban survival begins with where you get your food. You can't chase it down anymore, so you go to the local . . . I don't know, let's be fancy. They call the *charcuterie*, or the *boulangerie* for bread and so forth. Let's be artsy fartsy about this. That's what people do; people know the best watering holes. The people know the best place to get a latte, and it's an entirely artificial creation, because you realize somebody's got to chop the head off of that chicken and pluck the feathers before it can be turned into McNuggets and so forth. People in the cities get, I think, over-civilized, and a lot of the stuff about the endangered species is like the ANWR, the Alaska National Wildlife Refuge, and the proposed drilling.

According to what I read on the Internet and in some of the metropolitan papers, people think that there should be no drilling because it is a pristine wilderness. And yet, I have access to all kinds of Native peoples, and the Natives up there are saying, "This is good. This is great, because it brings us money. It allows us to buy this and that, and it would make life easier for us, as compared to what our ancestors had to go through to track down that fur animal or go to put food on the table." So, we get this idea that it's a rape of the environment, and you've got Robert Redford, in fact, saying that.

On the other hand, you've got real live, living, breathing people, who've got kids to raise, and they've got to put food on the table and then worry about the things like dental bills and so forth. It's my experience that people have gotten far removed from where their food comes from and their connection with the land. This is basically a rural country, and grew from that. People think, well, the family farm is just an icon; it's just a bunch of self-image: the poseurs, the people at Klamath and so forth. "They're not really farmers. They're existing off of federal water welfare." It may look like that, but it is an easy, simple solution. It's the TV solution. You have a thirty-minute comedy, a thirty-minute drama, or some such, and you have the problem. You have a resolution. Everything is all happy at the end of the program. That's what people come to expect, you see. You don't think about the untidy human element. You think, "It's got to follow the scenario." I've gotten far away from the question. [laughter]

In a sense, what I'm asking is, should Indian cattle ranchers be treated differently from men like Ben Colvin?

Well, I say yes, and I think now I can recall the original beginning to my answer. If it includes the Indian viewpoint, yes. In our case, it's a historical viewpoint, it's a legal viewpoint, it's a political viewpoint which has been overlooked in some of these major bills. We've been taken for granted. Let's say, the Endangered Species Act. People have this idea that the Indians are ecologically correct. Well,

maybe they're not. Maybe they'd just as soon eat a bull trout. But on the other hand, you know, people say, "We've eaten bull trout, and they're not very good to eat. Rainbow is much better." [laughter]

I just finished a book; it's two years old. I think it's called *The Ecological Indian*. It talks about the Indian history: this happened, that happened. The Indians weren't quite conscientious about driving the whole herd of bison over the precipice. But I'm thinking at the same time, "How could this fellow be writing about this and be so sure in his conclusion that they actually did that?" Have you ever tried to take one bison out of the whole herd and try to herd that over the precipice? No. Herd behavior dictates that the whole herd is going to start converging on you and trample you. You ever tried to work cattle on foot? Can't do it. This is why you run the whole, damn herd off the edge of the cliff, because you can't separate one, just as you're not going to separate a calf from its mama. It don't work that way. You're not going to do it on foot, and you're not going to be able to do nothing if you do it with your loyal dogs. You're going to do it with a horse. You're going to do it with a four-wheeler. And, yes, it's pretty brutal stuff sometimes. I'm mad at the cow because he just ran through my fence. Now I have to restring the fence. These are real-life concerns.

That's why I'm saying that if there are real-life concerns out there, they have to be worked into legislation. What we have is artificial legislation, which looks good on paper. It's wonderful on paper. It supports people's theories and ideas and so forth, but it doesn't have any relation to what's actually on the ground out there. I say work the human element into it. Work human needs into it, rather than just somebody's idea. I think I'm making a Utopian argument, but on the other side of that, let's take a look at the Romans. They ran 800,000 people or so through the Colosseum for pure entertainment. Roman life, though, started with Romulus and Remus, and Romulus killed Remus because of the construction of the wall around the original Rome. Remus made fun of it and Romulus killed him, I think is what I remember of the story. So, later on, of course, everybody justified it. "Well, OK. So blood is shed." So when you wipe out all the animal population of northern Africa—that's OK. Well, to me, that's the opposite of what we've got today; you try to preserve. And that's the problem, when you try to preserve.

I'll tell you what. I've got an old picture hanging in the house, and it's a picture of a bunch of . . . I take them to be Shoshone, because I don't know why my ancestors would have come up with a picture of anybody but Shoshone. But they're dressed in *gujeka* which looks real Indian. They've got the long braids. They've got the breast plates and so forth. It's in black and white. It just kills me that it's not in color. Anyway, there's an old guy who looks for sure like Buffalo Bill Cody sitting there—long goatee, the mustache. You go, "Wow. I wonder if he's a Shoshone?" It was my grandmother's picture, and I think she had to know something about these people in the photo. But you know what? If you look at typical, traditional Shoshone culture in northeast Nevada, there's none of that plains stuff in there. There are no buffalo helmet hats. There's no breast plates. We're talking plain, down-to-earth, some kind of thing to cover your lower body. It's not fancy. It's like Mark Twain said about James Fenimore Cooper, that the Fenimore Cooper Indian without his feathers and war paint is a drab creature. And so, in our minds it's stylized, seems like. Back in the old days, what guy isn't going to say, "Wow, that looks sharp! I wish I could dress like him?"

I did that one time in Washington. I had my designer double-breasted on, and I walked past this black guy. He said, "Hey, sharp outfit, man."

I said, "Hey, thanks." And, hey, I'm in. What Indian is not going to adopt the *gujeka* of the Plains culture? You know, a breastplate, all the accouterments, and in turn, himself look sharp. It's a babe magnet. [laughter]

Let's face it. I tell people, "You know, let's reduce things to the lowest common denominator. Everything in this world that I know—all conflicts between people, all arguments—it comes down to two things. Distill it down to the basic element and things come down to sex or money. Arguments, whatever you have, it boils down to this: It's caused by sex, or it's caused by money."

We're good at hiding our basic human needs. You don't want to think about your mom and your dad, and how you came to be. You don't want to think about untidy things at all. I tell my little nephews, "Think about personal hygiene back then. They'd never been to a toilet. They didn't have toilet paper." Before, you think they did. Gee. But you're trying to teach a little lesson here. "No, you're not going to go to McDonald's today," is what it translates. You're trying to say, "We don't want to go and spend money today."

But it always come downs to that. It's a human condition, I think, that we tend to dress up things. We justify things; we rationalize them; and then we try to pass off our view of the world as being more correct.

That's what I think has led to a lot of these bills in Congress. It's like the end of treaty making in 1872. It didn't come about by logical, considered analysis of whether or not the Indian treaties were good for American public policy. It was because the House of Representatives bitterly resented the Senate's treaty-making power—the advice and consent of the Senate on treaties to the president. The House of Representatives has no part to play in this. Congressional egos are Congressional egos, so they attached a rider to an appropriations bill that put an end to treaty making. So the Senate, the mighty Senate, was brought down a couple of notches, as far as its treaty-making power with Indian tribes. And that, as I understand it, is what led to the end of treaty making—the perception by the House that they had nothing to say about treaties.

You mentioned that sometimes people say, "Oh, they're just trying to preserve this mythological way of life." That was actually an argument that Cliff Young made, when I spoke with him awhile back. He said, "The Sagebrush Rebellion is all about trying to preserve a way of life that no longer exists. The family farm, the family ranch no longer exist." Would you agree or disagree with that perception?

Well, the realist part of me says that's true, but the other part, the dreamer part, the one that says we have a long, rich tradition of doing this.... I look at it this way: The Jews have a saying. "Next year in Jerusalem," I think, is how they say it. Since the Diaspora, they've had that saying. It's, "We'll meet again." And in 1848 they did. But there was this other group of people who were saying, "Wait a minute! We were here before Nebuchadnezzar did his thing. That's *our* land! And, by gum, we ain't giving it up." Try to figure out what the thing is in Northern Ireland. You go back to William of Orange. Trace that back in this for us. The enmity between the Serbs and the Muslims, the Serbian Empire; it's an eight-hundred-year resentment.

This is the human condition. Yes, you can put it aside, so I guess what I'm saying is that for someone to think that it's something which should be put away, well, human nature is cussed, and sometimes we like to dig ourselves into a hole so we can climb out and feel better about it. In some cases, I think, that's what it is, is that we do something.

To say that we're making a myth of this whole thing, or living our own myth, I look around me. I think the ones who haven't lived like the guys who talk with this country twang.... Where does this country twang come from? I was watching the rodeo on TV the other day, and the announcer was talking about cowboys. Cowboys? There are no cowboys that I know of. There are cows, but not cowboys. But

the pronunciation is cowboys. It sounds like a West Texas pronunciation. So we get the guys locally who talk about cowboys. Wait a minute. From what I know, our standard, American accent comes from Pike County, Missouri. Well, at least, according to the linguistics professors at UNR. But it does incorporate the sense of who you are in your place and time. Without that we're rootless. We have to preserve that.

This is what keeps me talking about the treaty that really is 138 years removed. What do I care about the treaty that was signed, in some estimation, at the point of a gun? What's it got to do with my everyday life? I have to pay taxes; I have to put food on the table; I have to put gas in the car. So what's that got to do with me? Well, it's an idea that's part of my persona. Without it I'm left with what? Someone else's interpretation of the world? I'm looking at Rob Reiner's view of the world, or Tom Hanks, or somebody? No, I don't think so. So we carve out our place in the world. We've got 275 million of us who wouldn't change our national identity with anybody else, I think.

I know this because there was a black family that I ran into on one of the French islands in the Caribbean, and they were having an awful time. They were mad. They were going back to Atlanta, and they were getting on the plane, and they were mad. We got to talking, and I said, "What's going on?"

They said, "We've been treated like dirt."

"Well, I sort of got treated like dirt, too."

You know what? We all got treated like dirt, because we didn't speak French. In the blacks' estimation on the island, who spoke French and ate French and lived French and were, in fact, Frenchmen, anybody who's not a Frenchman is, "Go away. You're scum of the earth." [laughter]

I'll tell you, the French are, I think, the best colonized in that it doesn't matter what color you are, as opposed to the English, who have a strict native caste system in the hierarchy, and so, go figure the queen and the monarch. But the French, I think, don't care who you are as long as you speak French without an accent. I mean, it's got to be Parisian, not some compound type of thing. [laughter]

But it was a black family at the airport, and they were proud of being Americans. They were incensed that here they were Americans, they were tourists, they had money to travel, and they were being treated shabbily.

That happened, too, to some other people that I know who went to Africa. They got treated badly because they were Americans. They were seen as representatives, not as fellow black people. But they were these rich Americans who came to this country to tell them their ideas. So I guess it comes back down to that we should always incorporate, to the extent possible, real human needs and concerns. But it always gets sidetracked by different people's agendas.

I can relate this to the Jarbidge brigade, and the latest episode here with Klamath water trouble. I don't know that I want to participate in it all that much because primarily, there's an Indian tribe up there, the Klamath tribe, which has a treaty, too, that goes back to the 1860s, and they have a concern about it. Then they got the Hoopa tribe downstream on the Klamath River, which has got a concern about fishing, and the Klamath River, of course, goes in Oregon all the way down to the ocean. I said I think it would be a little bit impertinent of me to get involved and say, "Yes, I'm in wholesale part of this accord with the farmers," knowing that there's an Indian tribe with a treaty concern. So, here I am with the treaty, because I can't be going over there. They understood without me having to make it more definite and specific than that, but had I been let's say, a federal policy maker, I would have had no trouble with that and just said, "This is the way it is. I'll write it into law, and this is the way it shall stand."

You select your witnesses and trot them out. Then you hear testimony, and then take a vote on it. And there you go. Who knows what other interests might impinge? I'll tell you this, and I learned this from my experience. I've done some Congressional lobbying and done some state-legislature lobbying

and been behind the scenes during the List administration, overhearing all these nice stories and *seeing* how things actually got done.

I got called in one time by Senator Lamb, Floyd Lamb. Floyd Lamb was my predecessor. Floyd Lamb just couldn't stand the ground that public lands stood on. I'm trying to run this agency, and Floyd Lamb is giving me guff, and he's jumping all over my case. I got along real well with Floyd Lamb. He called me into the office, and I thought, "Oh, am I going to really catch it? We're going to come out bruised and battered?"

Floyd Lamb said, "You know," leading in, "what is your estimation of this bill?"

So I gave him my estimation of it, and then he said, "You know, I'm part Indian."

I said, "Oh, really?"

He said, "Yes. Way back my family was part Navajo."

Why he told me this, and not the other guys, and why they were going at each other hammer and tong, was unknown to me. But I think that you would have some sort of empathy with another person. I look at the feds. I look at Bob Abbey, who's on this campaign right now to round up all the trespassing cattle and so forth.

Senator Reid was on this UNR radio program last week, and he pretty much said that he considers all the trespassers on the range outlaws. As an elected political official with the Indian tribe, I would have a big beef with Senator Reid about that, and to the extent possible that I can do it I will not allow Senator Reid to push his agenda to satisfy whoever he might be wanting to satisfy, including himself. So, when it comes to this effort on Senator Reid's part to try to get this . . . we've got 130 million bucks in the bank that he wants to distribute, and I'm saying, "No, that's not a good idea." I think it's not a good idea because, if it is, then nuclear waste is a good idea.

I'm mad about it because his staff people said, "You better get on board, because this train is going to leave the station." And, in fact, the train left.

I said, "Well, later on, we found that the train actually had come chugging back into the station." So now I'm intent on a campaign to go out and rip the rail and burn up the ties and break the bridge. [laughter]

But I guess overall it comes down to a question of how is public policy made? What are the concerns in this country? I'm saying there are real concerns out there which are sacrificed sometimes to whatever people have the popular conception of.

I think when it comes to environmental wishes, basically we're running out of room in this country. That's what's going on, is that we've got 275 million people, and various people projected how much population the country can support. A lot of the country is desert and it's semi-arid or arid. You can't irrigate it. The Central Valley over in California, they've got a high water table and so forth, and there are all these things that you have to consider.

But somewhere along the line it's like . . . let's say, you've got a finely tuned economy in your city. Everything depends on somebody getting to work on time. All of a sudden somebody, just for the pure hell of it says, "The workers of the world have got to unite and strike." So they strike, and ultimately the city collapses into . . . I think they've got some computer games like this. The city just crumbles because of this wild person who . . .

Think of the uni-bomber with the fuzzy beard; the vision of the anarchist.

It's like Marxism. In the system that works, why do some people want to be a communist? Mark Twain calls it the cussed human race. We're not content with things as they are; we want to change things as they should be. We don't do it for ourselves. We want to make sure that our neighbor does things the

way we think he ought to do things. That's where the problem starts. This is why with federal legislation and with state legislation things are well intentioned, but somewhere in the making that the sausage . . . you don't know what goes into the sausage, and what comes out has no relation whatsoever to reality.

This, as I say, harkens back to the Indian experience, in that Indians have been the end result of a lot of experiments. I look back in history. When the Indians were made, and the settlers came, the further away the Indians were, the better it was for you. Then, as the settlers became more numerous, when the Indians got in the way, there was a policy of military extermination until somebody tallied up the cost.

I think that some historian had estimated the amount of Tippecanoe's one dead Indian. It cost 1.5 million dollars per dead Indian to mount the military effort. After that came the peace campaign. Then they said to the religious orders, "Well, you take a swing at it." So, the Presbyterians and all the other church denominations got involved in the Indian peace policy, and that didn't work. Then there was "Let's give them 160 acres apiece for every man, woman, and child." Well, children got less. But they take the amount of land, lease it to a white farmer, take the money, convert it into goods, and go back to the wandering life.

Then there was a period in which we were forgotten about. Then there was a period in which we were allowed to, under federal oversight, organize for self-government. Then President Nixon of all people enunciated an Indian message. In fact, he delivered an Indian message to Congress in which he said that self-determination should be federal policy towards the Indians. Get the federal government away from micro managing the Indians. Let Indians be more self-determined. Well, what did that turn into? It's a good idea.

Congress, in fact, passed the Indian Self-Determination Act of 1973 which said that Indians can take over the functions of federal agencies by contracting to offer the same programs that the feds did. Well, put the bureaucratic factor in. Guess who survived? And guess who got bigger? The bureaucrats! So now you've got more bureaucrats than ever to manage the programs that should have gone to Indian self-determination. So I look at this and I say, "People shouldn't have to put up with this." It doesn't take much to be a political activist. Nowadays, with the Internet, you can sign on to an electronic petition.

Current concerns ought to be written into all legislation, but I think it takes an expanded view of where we might be in a few years from now, or how things might go.

Take a look at agriculture in this country. I see that the Japanese now are importing more rice from China than they are from the United States. The growers in California are very much concerned about rice exports and Japanese imports, because the Japanese are looking at saving money by buying from Chinese suppliers, and the Chinese now, with their taste of capitalism, or working for yourself, are taking a look at making money. They've got cheaper labor than we do here, less regulation, but the product is still going to be the same. You're still going to end up with rice. This is an example where, maybe some of our price tariffs . . . You'd have to take a look at the exports, even Canadian lumber.

I mentioned Jimmy Carter earlier. He was complaining about Canadian lumber because it is subsidized. Because he is a private land owner, he could sell his forest products at the market rate, but he was competing, as were many people in the South who had lumber, with a subsidized product; I mean a product where the price was set by the Canadian government, regardless of quality. This is what caused a problem up in Montana, as I understand it, was that they were competing with Canadian lumber. The higher price in the United States worked against their system, and they couldn't make a go of it. At least, that's what I understand of it. What I know about lumber is what I just told you.

Do you have any kind of an answer to people who would say that AUMs and grazing permits are a form of welfare to the ranchers?

I was just reading something about who was better for the human condition: Michael Milken with his junk bonds, or Mother Teresa with her compassion for humankind. The argument went that Mother Teresa helped one person at a time, helped many thousands of people, and helped them out of their misery. Michael Milken, by selling junk bonds, put thousands to work and revved up the engines of the capitalist economy, and taxes were increased. In the end, Mother Teresa is going to do better in heaven, whereas, in real, everyday putting bread on the table, getting a new Nintendo for your kids, Michael Milken did the better job. So as far as the AUMs and whether or not that's a form of welfare, I don't think so. It's part of the social contract that we enter into. We can have a state of barbarism, or we can have where everybody agrees to some sort of social cooperation.

My people existed in this country with a high level of social cooperation and interaction. We had simple technology, but our social conditions were complex. We knew all about genetics, because in our lifestyle we couldn't afford any what some people might consider to be defective people. You had to have four limbs—two arms, two legs—and be able to work and hunt and fish and so forth. As I said, nature herself militated against people who didn't look right, at risk to yourself. So, we knew all about genetics, and we had these intense cultural prohibitions against inbreeding. I cannot tell you how many times my mother and her grandmother said, "No, you can't see this person."

"Why?"

"Because to the nth degree she's a relative." [laughter]

This goes on everywhere. Well, all the social prohibitions have dropped, and they've died out. And, as a result, I have no concern for our kids who think, "Well, gee, I wonder where we're going to go."

Civilization works against us. Our first impulse as civilized people is to take care of the infirm, to take care of the weaker people, to take care of the . . . you know. Thank goodness for civilization because I'm able to see. I had an almost burst appendix when I was a little kid. It wasn't the shaman; it wasn't the medicine man who saved me. It was a surgeon; a medical doctor. So we all benefit from civilization. It's when we get over-civilized that things get a little bit too, too fine.

I don't know about that stuff about the hummingbird tongues the Romans used to indulge in. Well, the Roman gourmands and so forth. I draw the line. But Beluga and Sevruga caviar, I mean, that's the acme of gastronomy. I look at that, and that's a little bit too overly civilized.

The French Revolution puts your wig makers and your glove makers and your dance masters out of work. Marie Antoinette, as I understand it, didn't really say, "Let them eat cake." She had no conception of bread. She had all the bread she wanted; bread was an everyday event in Versailles. She had no conception that bread cost so much, and that's the problem that we get to, is that we get a little bit too over-civilized. We start thinking in terms of simplistic answers to everything, and we forget the human element.

So, for those people who say AUMs are subsidized ranching, I don't think so because in the social contract we agree to our part in it. Our problem comes from people who have entered into a social contract, then don't want to share their end of that burden. They say, "I don't have to participate in this, but I want all the rights." The result is we all insist on our rights, but we shuck our obligations.

So they want a cheap hamburger, but don't want to pay the AUMs.

Exactly. Exactly. In fact, I said that. I would cast it that way, that people don't want to know where the hamburger came from or know how it got to the table. They just want the finished product, and people don't know what's in it. You know, you go to McDonald's, and you're not interested in how that McNugget came to be. You're just interested that it's served hot, that it's served cheaply. Forget the economic system. People don't understand, don't want to know. As I said, our attention span is dumbed down.

I like to read, and it takes concentration. It's like people who jump up to . . . I can ignore a telephone. You may as well bait a people trap with a telephone and make it ring, and you'll catch people every time, because somebody's going to answer that thing on the first ring. That's why I'm saying that a lot of this stuff where people come up with the most simplistic answers to something, they are usually the worst.

In the Indian history again, it doesn't work. Little Phil Sheridan, the general, said, "Kill them all. Nits grow into lice." He was comparing the Indians to lice, or that they came from lice eggs, nits, and the only good Indian being a dead Indian. That's a simplistic answer, until somebody figured out that it cost 1.5 million dollars to produce that dead Indian, which was in eighteen-sixty-some-odd dollars. We're talking a lot of money. [laughter]

So, you've got all these pressures. People will put their trust in Alan Greenspan, and he may have been a demigod and ranked in the Pantheon up there, but, look, he puts on his pants one leg at a time, I figure. I think in this latest round of the economy going into the dumps, he doesn't have a better clue than us. It's like when George Sr. lost the election. To me, he lost the election because he didn't know what a cash register was, because he never had to shop. His maids did all the shopping. I was resentful of that, that someone wouldn't know what a cash register is. This is someone who is far removed from everyday life. It's akin to those women who marched on Versailles, saying, "We want cheaper bread price," and being told, "You don't have bread? Why can't you eat cake?" Well, the issue isn't bread and cake. The issue is flour, and cheap flour at best.

But I say to those people who say that things are subsidized, "Well, freedom is subsidized. Freedom is subsidized by those amongst us who are protesting, even by the protesters at the G8 conference. Our freedoms are subsidized. They've been subsidized, they're being subsidized by my nephew right now, who is stationed in Okinawa, and they're subsidized by all the guys who went to Vietnam. They're subsidized by the people in World War II. They're subsidized by, yes, the people who were at Jarbidge on the Fourth of July." [laughter]

DEAN RHOADS

Susan Imswiler: How would you describe the events leading up to what became known as the Sagebrush Rebellion?

Dean Rhoads: Let me take you back to what actually happened. I got in the legislature in 1977. I was elected in 1976. That was the year of the Jimmy Carter landslide. I was the only newly elected Republican in the state at that time that got elected in the legislature. There were only five Republicans and thirty-five Democrats in the House and three Republican senators and seventeen Democratic senators. Before I got there, they had formed the select committee on public lands, which later became the legislative committee on public lands, which I have served as chairman of now for eight or ten years. They were created in order to try to do something about all the federal lands in the state of Nevada. So really Senator Blakemore and David Horton, attorney from Carson City, probably deserve a lot of credit and recognition for getting it started. Senator Blakemore and Senator Glaser from Elko had crafted a bill that was introduced in 1977, which got nowhere. I'm not even sure if they had a hearing on it. It went to the jugular on states' rights versus the federal government, you might say. It was really kind of a vicious bill. In the next session of legislature, Senator Norman Glaser... at that time we never had much air service from Elko to Carson City, so we drove back and forth together most of the time. Although he was a Democrat and I was a Republican, we agreed on most issues. He was chairman of the taxation committee at that time in the senate, and he was very busy. So I asked him early in the session, "Would it be OK if I take that bill,"—Blakemore had kind of lost interest in it—"and work it over and see what we can do with it?"

He said, "Sure." So I worked with the attorney general, who was Dick Bryan at that time [later governor and now U.S. senator], and I talked to Governor List to make sure he would sign it if we passed it. He said he would. I told many of the industries that were supporting that concept that I was going to introduce the bill. I took a lot of things out of it and softened it up a little bit, and I said I wasn't going to have the bill *heard* until they could guarantee that five hundred people would show up. Then I introduced the bill. I went around and I got, I believe, 38 out of 40 assemblymen co-sponsoring it. I gave the bill to Senator Glaser, and I think he got 13 out of the 20 senators to support it. We introduced it on the same day, and about a week later Lou Cannon, who is a journalist for the *Washington Post*, formerly of Reno, I

believe—a very famous editorial writer—came into my office and interviewed me. Either he or the Nevada press nicknamed it the Sagebrush Rebellion.

I waited about six weeks and had the hearing. Senator Joe Neal, Democrat from Las Vegas, at that time was the chairman of the senate natural resources committee, which was kind of ironic, because he was from the city and not really involved in public land issues. We had the meeting there, and we did have almost five hundred people show up. Had a long meeting. In the hearing, probably 95% of the people that testified spoke for it. Cliff Young, who was a senator at that time, of course, spoke against it, and the Sierra Club and other environmental groups that would naturally be opposed to it. It passed unanimously in both houses; the governor signed it; we adjourned, and I was immediately called upon to speak all over the United States.

I probably went to a hundred different places to speak. I was interviewed by CBS, ABC, and NBC-TV, and many other groups, mainly at my ranch. The first invitation I had was from Alaska. I flew up to Alaska right after the session was over. Former governor and later Secretary of Interior Wally Hickel was head of an outfit called Toastmaster's Club that was very big up there and still is. They invited me up there, so I flew up to Alaska, got off the airplane, and I saw all these microphones set up. I thought, "Gee, there must be somebody famous on this plane." I looked around, and I said, "Geez, I don't recognize anybody," so I kept walking.

Pretty soon I heard somebody running behind me. They scared me a little bit; I turned around and looked, and here was some guy with a suit on, and he said, "Are you Dean Rhoads?"

I said, "Yes."

And he said, "We'd like to have a press conference with you"

I said, "Oh, OK." So I had a press conference with him, and the next morning the headline on the front page of the Anchorage newspaper was: "Nevadan Urges Lands Fight," or something like that. My picture was on there, too.

They put me in a helicopter, and I flew over the glaciers to the Cook Inlet, I think it was, and then they put me on a small boat and they took me out to Wally Hickel's yacht. I spent the rest of that day with Wally Hickel, who had been governor and then secretary of interior, and he was a big construction owner up there. He actually owned the hotel that I stayed at, the Captain Cook Hotel. We went salmon fishing together, and later he became governor again as an independent since this happened.

I spoke the next morning at this Captain Cook Hotel, and most of the legislators were there. There were two or three past governors; most of the members of the supreme court, and it was standing room only. They overwhelmingly supported the effort, along with five other states, and actually passed similar legislation like ours. Others also passed resolutions of support. Even New Hampshire, I think, passed a resolution of support.

The next morning they flew me up to the North Slope and gave me a tour. And anyway, I came back and testified in several legislative bodies throughout the West. I debated the then Governor Bruce Babbitt in Atlanta, Georgia, on Ted Turner's program. It was a national newscast program. We debated for a half hour, then we received questions from the audiences all over the West and Alaska. Most of the questions were in favor of it, incidentally. In Arizona, you know, he vetoed the bill, and the legislature overrode the veto. Since then it sunsetted out, I guess, but it wasn't law.

As far as legal efforts, let me go back a little. The thing that really led up to it was during the Jimmy Carter administration, the pendulum was really swinging really far to the left, just like it is now, in my opinion anyway, with the Clinton administration. We, the users of the public lands, got a lot of support from urban people in the West, who really sympathized with us, and we had a lot of momentum

going. The thing that really caused harm with the Sagebrush Rebellion was probably the outsiders who got involved with the mission, and they got talking about how the land would not just return to the states but should turn into private ownership. All of a sudden you look back, and the troops weren't behind you like they were before. The sportsmen and so forth were quite upset, but it actually lasted for a couple of years, the momentum.

During the 1980 presidential election I was going around all over the place making speeches and getting a lot of support. I got a call from Governor John Connelly's office of Texas, who was running for president and at that time was probably the biggest threat to Ron Reagan than anybody else. So I met with John Connelly down in Las Vegas. I went up to his suite. I had my cowboy hat on and everything, boots, and he was so glad to see a rancher. He had a ranching background. He was just going out to speak to about four thousand people, insurance agents. He invited me into his suite, and we must have spent forty minutes in there talking about this effort. Texas was the only Western state that did not turn their land over to the federal government when they became a state. About three weeks later Governor Connelly's office called me from Wyoming, and they read a press release to me, and it stated that they supported the efforts of the Sagebrush Rebellion.

Later I was invited to speak in Portland, Oregon. There's a high school there where every four years they put on a mock convention. They had about five thousand kids at the convention. Each school then picks a subject or a presidential candidate invited to testify there. They had Bush and Reagan and Connelly and me speaking to this group. It was really neat; you had about twenty-five microphones in front of you. So I spoke to that group, and right after that I was going to drive into Salt Lake, I think, to catch an airplane to go someplace. I was receiving so many phone calls that I finally got one of the attorney offices in Elko to let me use an office there. One of the women working there would take all my phone calls, because I was pretty hard to get hold of, as you well know. Then it was even worse, because we really didn't have a real phone number.

I guess one afternoon there the phone rang, and my secretary, the one that answered the phone for me, was out of the office, and this other gal answered the phone. He said he wanted to speak to Dean Rhoads.

She said, "Well, he's not in."

He said, "Would you have him call me?" and he gave a number."

The gal said, "Who's speaking?"

He said, "Ronald Reagan," and she dropped the phone, of course. [laughter]

I got the message about five thirty. I was driving to Salt Lake and I stopped at a pay phone, in Elko. I thought, "Well, the office will be closed by now, so I don't have to speak to him." I rang that number—it was an L.A. number—and this guy answered the phone. I thought, "Boy, that voice sure sounds familiar." I said, "This is Dean Rhoads. I want to speak to Governor Reagan."

He said, "Oh, yes. Speaking. I want to talk to you." So we probably talked for twenty minutes. He had just won the nomination then, and he said, "If I get elected, I want you to come back to Washington and talk to me again in the cabinet."

Sure enough, he called me up, oh, two or three months later—or the office did. The meeting was in Senator Laxalt's office. I went to the office, and they wouldn't let me in. Went into the hallway; nobody recognized me. They had Barry Goldwater waiting to see the president, and another senator from Texas (John Tower), and me. I could see the FBI really looking me over and not knowing who the heck I was, but finally somebody recognized me and they let me in. I went in and talked to the soon-to-be president. Ed Meese, the soon-to-be attorney general, was there, and Paul Laxalt and a guy by the name of

Richard Williamson, who was a staff person who later ran for senator in Illinois, and the African-American lady there beat him. He was a staff person.

We had an excellent conversation. He [Ronald Reagan] was a delightful person to talk to. The amazing thing about him was that his hair looked perfect. I know people that dyed their hair, but by God, he didn't. And talk about a set of shoulders. He really was a well-built person.

Because of my effort on that public land issue, he created the President's Federalism Advisory Committee, made up of forty people from the cabinet level, United States senators, congressmen, mayors, county commissioners, state legislators, and six state legislators. I was one of the state legislators they appointed. We met numerous times. Paul Laxalt was the chairman of the commission. We always met in the White House. After we finished, the President would usually come in, and we'd just sit around like this and talk about different issues. There were several subcommittees appointed. I was chairman of the subcommittee that had to do with the transfer of some federal lands over to state ownership. I had worked out a meeting date, an agenda, and I had several governors on my committee. Jim Watt was on my committee—he was secretary of interior at that time—and a couple of United States senators. Nevada had just received a new Congressional seat. Paul Laxalt's secretary, who I had never known before, was Barbara Vucanovich.

I had decided then to run for Congress. I had announced and went back there to one of the meetings. My subcommittee meeting had been canceled, I assume that because I was running for Congress and Senator Laxalt was chairman of the commission, so I never did get to have that meeting.

Harry Swainston is a person you should also talk to, who was in the attorney general's office at the time and probably knows actually more about it than Dick Bryan. I think he's still in as the deputy attorney general, or he might be in private practice now. He's in the Reno-Carson City area. He knows more about the legality of it.

There was a lawsuit that was already on its way to the Tenth Circuit having to do with the desert land entry case. The attorney general's office then amended the issue of the Sagebrush Rebellion on it. What happened then was the decision at the Tenth Circuit level was solved before the question even got up on the Sagebrush Rebellion thing, so it never did get into the Circuit Court, never got acted upon. I guess the saddest part of the whole effort was . . . well, I'll back up just a little bit. I did not want to see it go to the United States Supreme Court—and I think someday it will—because the makeup of the Supreme Court at that time was totally against our purposes, so there was no need to push it. Just leave it on the books.

I feel that the real use of the NRS 321, I think it will be the Yucca Mountain episode [nuclear dump]. If they ever decide to give that to Nevada, I think that that section of the laws will then come into play and be a major effort by the state of Nevada.

It's very sad that Dick Carver got on his Cat and bladed a Forest Service road up, because the Sagebrush Rebellion bill that was passed did not have anything to do with the Forest Service; it only had to do with the BLM. We had hired Rex Lee, who was the dean of law school at B.Y.U. and later Ronald Reagan's solicitor general. He's passed away now. He and other attorneys advised us to take out the U.S. Forest Service, because it was properly appropriated by Congress, just like the Yellowstone National Park or whatever.

The BLM lands were never appropriated. The only reference to BLM lands was in 1979 in the Public Rangeland Improvement Act, PRIA. Up till that time in 1979 the lands were supposed to be "disposed of in an orderly fashion." And those are quoted words. Then in 1979 it changed that, and it said that the lands should remain in federal ownership in perpetuity, unless it's in the public's interest to

dispose of them. That changed things, but now that Dick Carver got on his Cat, and it actually got into court, the courts ruled that the Sagebrush Rebellion statute is unconstitutional. But, you know, that's just one court. It muddied it up, but it's still on the books. It didn't take it off the books.

There's a lot of momentum going again with the Clinton administration. We're having a meeting on Wednesday, matter of fact, in Reno, the public lands committee. This fire will be a big issue. There's also a lot of momentum to do something else. There's bills back in Congress right now that are pending that will release a lot of the lands in rural Nevada up for auction. Matter of fact, Senator Domenici [Pete V. Domenici] has a bill down in New Mexico that will affect all twelve western states, will be putting lands up for sale and return back to private ownership. But there's also a movement, on the other hand. The off-shore money that has normally been going to balance the budget, all of a sudden now that they're filthy rich back there in Washington D.C., they got nine hundred million dollars a year that will go into a fund just to buy more private land and put it into federal ownership. So it's kind of a mixed bag back there now, as it goes. Yes.

What was the political atmosphere in Elko County in the late 1970s?

Oh, it was really nervous about the federal government. About that time in the 1970s, I recall one of the things that really was creating a hardship on the ranching industry is that they drastically changed the grazing fees. They went from \$.50, \$.60 up to \$1.23. That's how I really first got involved in the public land issue. I was back in D.C. working on this grazing thing.

Incidentally, the grazing fee that we currently have today is the one that I came up with and got pushed and was successful. It passed in 1979. Legislation passed in Congress, and the President signed it. It was sunsetted; it had a seven-year life to it. The livestock industry could not agree to continue it, and so it was sunsetted in 1986. I had called Senator Laxalt up then and indicated that we needed the President to sign an executive order on this. He said, "Well, I'm having lunch with him this afternoon. I'll talk to him."

That afternoon the staff called me up and said, "Hey, it's a done deal." So today we're just living with that executive order, which is kind of scary, but I was back there working on this grazing fee issue, and this was during the Carter administration. Laxalt's office had called me up and said, "We have a document over here we think you should look at." So I went over and got it, and it was a draft report on range conditions in the state of Nevada. The staff and I looked at it, and it was terrible. It would have decreased livestock grazing in the state of Nevada probably by 40 percent. If it was the steepness of slopes, you could no longer graze on it. If you were so far from water holes, you couldn't graze on it, and if it was so many acres, per AUM, you couldn't graze on it, and so forth.

I called up Laxalt's office, and I said, "Boy, this thing is dangerous. Are you sure I'm supposed to have this?"

They said, "Yes, go ahead." Meanwhile the BLM then found out I had this copy, and by the time I landed at the airport in Reno, the press was there, and there was a car from the governor's office there. The next day on the front page of the Reno newspaper the headline was "Nevada Ranges to Close." And the next day, the headline was, "Nevada Range War Looms." Front page. Later we had a meeting in Elko, Nevada, at the Stockmen's Hotel. Over a thousand people showed up. We collected sixty thousand dollars that one day. John Marvel was president of the Cattlemen Association at that time [today assemblyman from Battle Mountain], and I was chairman of the public lands committee. We met with Governor O'Callaghan and his staff two or three times. The BLM finally admitted that there were six

people who came to Nevada and didn't even go out on the land; they just went through the files and came up with this draft report, and later they withdrew it completely, but this kind of led up to the Sagebrush Rebellion, and the attitude of the people, even non-ranchers, was very supportive.

What was the first indication you had that this might be bigger than the usual griping against the feds?

I think when Lou Cannon walked into my office from Washington, D.C., and then the first headline came out. Later *Time* magazine had called me up. They wanted me to bring a horse in town, and they wanted to take my picture to put on the cover of it. *Wait* a minute now. I didn't want to do this. I thought it phoned up the issue. So I met him in Reno, and we went up and they took some pictures of me standing on a hillside. They never used it, but they did come out with a lead story on the Sagebrush Rebellion, front page, and had a movie actor on a horse. It was the Sagebrush Rebellion on the *Time* magazine. So yes, it really became a *major*, major issue that I'm quite surprised. I was surprised. Yes.

How big a part do you think the environmental movement of the 1970s had in instigating this?

Oh, I think it had a lot to do it, with the wilderness areas that were created, and the Carter administration had really created a lot of national signals coming out of D.C. Immediately after Reagan took over and Watt got in, it changed almost overnight.

Have you ever been directly affected by an environmental impact statement?

No, I have not really. No. I think that the worst thing that ever happened to the movement of the Sagebrush Rebellion was President Reagan, when he got elected. A lot of people are really critical of me, like the Wayne Hages and some of the people that you're probably going to talk to. They felt that because I met with the president several times that I should have gone in and demanded that this legislation be enacted.

Paul Laxalt's advice was, "Hey, you just keep this thing going, but I don't want to touch it with a twenty-foot pole. I don't want to get involved in it." Laxalt was very reluctant to really get out in front on it.

Orrin Hatch was probably more agreeable to jump into the fire than Senator Laxalt, who was very hesitant to do it. Of course, at that time, as I believe, both bodies were controlled by the Democrats. I think it was. Yes, I'm pretty sure it was. We had the timber people thoroughly involved in it.

How about mining?

And mining, yes. Well, mining was a little bit half way on it. They were a little spooky of state agencies and a little spooky of it.

Why was Reagan such a bad thing for the Sagebrush Rebellion? What happened there?

What happened was that he turned the agencies around where they were user-friendly. All of a sudden, they were very friendly people, and we didn't have anything to complain about anymore. It just took the wind out of our sails. All of a sudden it became very good. It actually went on into the Bush

administration, but probably the last two years of the Bush administration it started changing the other way.

Then, of course, when Clinton became President, we had Al Gore and then Bruce Babbitt and we had the range land reform. That was something that really started the pot boiling again as far as the ranching industry, because we were very upset over him trying to do something with regulations instead of legislation. So he said, "OK, we'll have these hearings."

Well, he had about five hearings throughout the West. At every one of them at least a thousand people showed up. The one in Reno, I think they had eleven hundred people. Ninety-eight percent of the statements were against it and suggested changes.

After he put all the comments together—I think there were twenty-five thousand comments—he never changed hardly a thing, and it upset everybody very badly. It even went to court in Wyoming. The Wyoming court ruled that he went beyond his duties, and it went to the Tenth Circuit. We lost most of it there, and it's being appealed right now in the United States Supreme Court. [It failed in the U.S. Supreme Court, 9-0.]

During the last two years of Bush and then the Clinton administration, with the range land reform it used to be I'd go back to D.C. to either support legislation or try to get it changed or to fight some type of legislation, but now when I go back to Washington, it's on regulations. It's about the interpretation of a policy.

A good example, probably, is the Environmental Protection Agency and the National Environmental Policy Act that was created, NEPA. That was created during Richard Nixon's era as president. There was one senator who voted against it, and four or five, I think, in the House of Representatives that voted against it. Nobody ever realized that it would become the monster that it really is. It's been because of the interpretation of those agencies, how they look at the legislation and create it into something that we didn't intend it to be.

So, you're actually fighting administrative regulation, which is much harder to fight than the law.

Oh, yes. Oh, definitely, yes. You almost have to go to court. And, you know, you can only go to court so many times. Just like the Filippini case. He was very successful in that decision, and they ruled there that the agency did not have the facts and the necessary documents to make those types of cuts. That was a recent lawsuit that he took to court, and they won.

So the irony is that the success of the Sagebrush Rebellion almost depends on opposition on a national level.

Yes, it really is, because when Reagan became President, almost overnight it was over with. It lost that, and the fact that they were talking about turning the lands over to private ownership was pretty bad.

There appears to have been a perception that federal land managers tended to be more sympathetic to the environmental groups.

Yes.

But on the state level they tended to seem more in tune with local mining and agricultural interests. Did you find that to be the case?

Oh, I think that's true, very true, and so many federal agencies' people, they're not in the community that long. They get pretty hardcore, I think, and calloused. So many of them are from back East where they get forty inches of rain, and they come out West and see grass this tall, and they think, "Wow, you guys are really overgrazing. They don't realize that it's been like that for a hundred years."

How big a part do you think that East-West sectionalism played?

It was in the days of Bush administration. I recall going into this staffer's office. He was a staffer for an Oregon United States senator, an attorney, who had been back there quite a while and was very instrumental in just about everything that happened in the West, and particularly on public lands and water.

He said to us, "Do you really want to know the real truth?"

And we said, "Yes."

He said, "When it comes to public land issues, whether it's livestock or minerals or anything else, the attitude back here is they don't need you anymore. From the Easterners and the South and the Midwesterners, they don't need you. They don't need anything off the public lands. They can get it someplace else." The problem is back there—and I've noticed they really sense it—that that green vote is so important to the non-Westerners that when it comes to grazing fees, timber, or a mining issue, it doesn't affect their constituents, so it's an easy vote to show that they voted green, and we haven't been able to change that.

There are three different groups when you get into a political situation: there are the ones on the right that are going to support you every time; there are the ones on the left that never will, like Cliff Young and people like that; and then there's a group in the middle. And those are the ones you need to work on, and that's where we were successful when we did pass the grazing fee legislation at that time.

What can you tell me about the 1980 LASER Conference in Salt Lake City? [League for the Apportionment of States Equal Rights]

Oh, that was quite interesting. I guess the highlight of the conference was the telegram that I received from President Reagan at the time in support of the Sagebrush Rebellion, which I read on the floor with all the delegates. He supported it, but as you know, he supported the concept of it, you might say.

The conference was very well attended, several hundred people. I think from that time, though, it started going downhill because of the action that the president took. We didn't have the fires to put out anymore.

Can you be specific about some of the goals that came out of that meeting?

Boy, I really can't without . . . I must have four or five boxes of newspaper articles and documents and everything. I recall the University of Wyoming has been trying to get it from me for years

now, all my papers on it and everything. I've just kind of saved them for some Nevada . . . the museum here or . . . I think Norman, Senator Glaser, gave his to the museum.

They're in the Special Collections at UNR.

Oh, are they? Yes, I would probably want mine to go that way, too, but I would have to look it up and see.

The LASER group had a lot of self-interest there in that they were trying to, I think, use the Sagebrush Rebellion as a money-raising issue. It kind of spooked me a little bit towards the end and I wasn't a very comfortable in being attached to them. I was a little bit gun shy because of some of their positions.

But I might add—and I don't know where this would fit in at—but I became so busy that I actually had to hire somebody. I had received donations, and created a organization that was incorporated as the SRCC, the States Rights Coordinating Committee. It was made up of one legislator from each western state on a board of directors, and I was the chairman, Then I hired my neighbor, Deloyd Satterthwaite, who was very active, to run the office here, because I was either trying to get work done at the ranch or traveling around the countryside. We raised over \$100,000, so he stayed with me then for awhile. When I ran for congressman, he also worked for me then. When I lost we both went back to the ranch. [laughter]

The best thing that ever happened was when I lost. [laughter] It hurt that day, but after that it was OK.

On the whole, ranchers tend to be a fairly conservative bunch.

Oh, yes.

I was talking to someone who said her father at one point had told her, "You know, I've always been very conservative, but for the first time, during the Sagebrush Rebellion, I found I actually had something philosophically in common with some of these radicals." Did you find that? Did you wake up surprised one morning to find that you were a radical?

Yes, I really did, and you know, that's who I'm really criticized by. Many in Elko County were very disappointed in my activities. As a matter of fact, just recently, I think, in *Range* magazine, there was an article. There was a cattlemen's convention here two or three years ago. I don't know if it was in Elko, but they'd have one every year. I used to be active in the Cattlemen's Association, but now I'm not that active. There for a while they became quite too far to the right for me to get involved with, and I was also busy. But this one time they had the former Secretary of Interior Jim Watt at the meeting. He was quoted as saying, "Where's Dean Rhoads?"

They said, "Well, he hasn't been coming lately."

I should challenge him on this, because he said, "He was the one that said that the ranchers do not want this land put into private ownership, that they couldn't afford it, and that they just couldn't handle it." I had never been in a meeting and never indicated that to him, but in that last *Range* magazine, it's again in there, and it quotes him as saying that I had made that statement. To my knowledge, I never had.

The original intent of the Sagebrush Rebellion was not private ownership, but state ownership. There would probably be some lands like we're getting now, like landlocked lands around communities and cities. There's no reason why land in the middle of Las Vegas should be owned by the federal government.

Do you think the states, particularly Nevada, are in a position to carry out a multiple-use management mandate?

Oh, I think so. Look at these other western states. Nevada was really cheated because we became a state in 1864. We weren't ready to become a state. The only reason we became a state—and you probably already have this down—is Abraham Lincoln needed our vote for the Civil War and also because of Virginia City silver mining. We were supposed to get eight million acres. We were supposed to get—what is it, two sections for every township? We were not surveyed, and Nevada needed the money for the tax base. Usually, the rule of thumb was you're supposed to have two hundred thousand people in order to be eligible for a state. We had like twenty thousand.

So they said, "Well, instead of giving you eight million acres, we'll give you two million acres." So we just got something like two million acres. Most of the other Western states, I average 8-10% of their state in state ownership. They not only received the other section, but Arizona and New Mexico and some of those other states received some lands for other purposes, too, where we never did receive a fair amount. So we thought we had a real good story to tell, and we still do today, you know.

But your question was, "Can we afford to run it?" Well, look at all your other state land agencies. They're doing very well, and they're running it very economically and much better, in most people's opinions, than the federal government is running theirs. Some of the land is right alongside each other.

The reason I ask is that right now the mineral estate subsidizes 62% of the BLM's operating cost. Because all this came out during the national energy crisis, there was a strong feeling that they wanted to keep the mineral estate in federal control.

Yes.

How would that be funded then if the federal government kept the mineral estate?

Give it to the feds?

How would the states afford it?

I think that the users of the public lands would be willing to pay them more money if it were under state and local control. For one thing, I think that the state would probably have less payroll than the feds would, and that's demonstrated in most Western states. They don't have the massive amount of employees that the federal governments have.

Less bureaucracy, paperwork.

Yes.

What do you think of the assertion that Nevada's lack of a property tax base led to the legalization of gaming?

Well, I think that's true. You know, it would really be very difficult to even imagine how we could function in the state of Nevada without the gaming revenue. As you know, 50, 60% comes from gaming, and without it I don't see how we could even function.

We as a state seem to get the industries that nobody else wants: divorce, gaming, warehousing, nuclear waste.

That's what I've always said. One of the big headlines I always used when speaking to groups was that Nevada is the garbage dump of America.

Do you think that's tied to this lack of a tax base?

Oh, yes, I do. I really do, and the fact that they're trying to stick stuff in Nevada that nobody else wants, like the garbage dump, the nuclear testing grounds, yes.

Do you think that the PILT payments [payment in lieu of taxes] actually do make up for that loss of revenue?

Oh, definitely not, no. They don't even come into play. The thing that we are trying to push now as far as the PILT, in counties that, say, are 60 or 70% owned by the federal government... as far as the PILT, last year the legislative committee on public lands came up with the idea we have these meetings. We had about eight or nine meetings throughout the rural areas, and we came up with a suggestion. I think it was down in Tonopah. You know, there's some counties that are 98 percent owned by the federal government. The suggestion was made that if they can't pay the counties the money, they give them land instead. So we created that into a resolution and sent it back to Washington. Our congressional delegation is seriously considering introducing some legislation such as that, so that might help the cause.

That would help create a better tax base.

Yes, if these counties had some private lands, industries might be interested in moving into those areas. It would at least be one factor that would be helpful.

Do you think then that the Sagebrush Rebellion left its mark in any way on federal land policy?

Oh, I think very definitely it did. Yes, I think it has, and I think it has made the agency people take a more serious look at the West when they decide to institute policies. I think that the Sagebrush Rebellion issue is still burning in the West, and if the winds blow the wrong way, it's going to become a big issue again—a very big issue.

Wise use seems to have a lot of different definitions. How would you define it?

Well, I guess wise use I would define as the industries that actually are making a living out there realize that they have to come back year after year after year, so why would they want to abuse it like we're being accused of if that's how we make our livelihood? I mean, we've got to respect it and treat it with proper care and, if anything, try to improve the uses that we could use out there without abusing the environment.

Are you in favor of privatization?

In certain cases I am, yes. In other cases I think there should be land out there that the sportsmen have free access to and so forth.

In what type of cases would you support privatization?

Well, for instance, my ranch, I run on about a hundred thousand acres. We own forty-five thousand acres, which is higher than most ranches percentage-wise, because a lot of land in Elko County got homesteaded, where some of the more rural areas that didn't have that type of rainfall were not. But a lot of that forty-five thousand acres is intermingled; it's black and white and everything. If we could trade the lands where the federal government ends up with their fifty thousand in one solid block and I end up with mine, forty-five thousand acres, I would have more incentive to improve that land out there, if it were mine, and certainly it would be easier to manage their lands if it were all in one private block.

That was one of my biggest surprises when I was starting to do some research. I expected to find large blocks of land in the legal descriptions, but I found horrendously long lists of tiny pieces of land.

Yes, because when they homesteaded the land, they went up a creek and just took the well watered areas. They were very wise, those old-timers. They'd go up a creek, and they'd take it like a snake, and that would be their 640 acres. It was quite interesting that way.

In a practical aspect, how do you keep track of what's yours and what belongs to the feds?

Well, what happened was in 1968 we all ran wagons [four of our neighbors, big ranchers], and we all ran our cattle together. Up in my country there's some very big ranches, like the Spanish Ranch, which was running ten or twelve thousand mother cows; there was us, running three or four thousand; the Twenty-Five, which is running five or six thousand; the I.L. running three or four thousand; the T.S. running six thousand or so. Everybody sent a rep or two out to the wagons, and they ran all their cattle together. In 1968 they decided to give us all a certain area. So what they did is they said, "OK, your ranch is right here, and traditionally you graze in this area. So what we're going to do is . . ."

Every township, see, had already been measured as far as how many cows you could run. A determination was made as to how many cows it had been adjudicated earlier that you could run. You got sixty-four head of cattle in this section, or something like that.

So they said, "We're going to pretend like all this land out here is just federal ownership. We know it's some private, whatever. We'll just keep moving you out here. Say you've got 21,000 AUMs, soon as we hit 21,000 AUMs, we're going to stop, and that's where we're going to put the fence."

Because of that, I ended up with about ten thousand acres in my allotment that belongs to my neighbor, and I have about the same amount of acres in his fields as I do in mine. There's been no incentive, no effort to trade those lands back or forth. And also, along with the ten thousand acres in there that belongs to the neighbor, there's lands intermingled that belongs to the BLM and private out there. So it's never been cleaned up, which needs to be done.

How accurate is it to suggest that the property rights movement and the county supremacy movement as well as the wise use movement are all outgrowths of the Sagebrush Rebellion?

Oh, I think so. Yes. I did not jump on the bandwagon of the county supremacy movement or the effort by Dick Carver. Matter of fact, Dick Carver and I have had words. I felt that he damaged the efforts of the rebellion very seriously in the county effort. The county kind of also hurt the efforts. In the days of the original Sagebrush Rebellion, we had excellent credibility. I thought that the movement by Carver and the county groups really tainted the efforts of the Sagebrush Rebellion and did not have as much credibility as the Sagebrush Rebellion.

Yesterday was the thirty-fifty anniversary of Johnson signing the Wilderness Act. A Reno Gazette-Journal editorial bemoans the fact that Nevada, which has the most federal land outside of Alaska, has the least amount of designated wilderness of any western state, and it calls for increased wilderness designation in Nevada. What kind of a response do you have to that?

Oh, I think that we have enough wilderness. You know, instead of creating a wilderness area in Nevada, why doesn't the federal government buy up some private land in New Jersey and create wilderness areas where the people are, instead of Nevada? But I definitely do not feel that way. I work very closely with Senator Reid, although he's the opposite party. He was telling me a couple years ago, I guess, that the biggest bloodbath that he ever got involved in in his life in his political career was his introducing the Wilderness Act for the Forest Service in Nevada. He said he never got so bloodied in all his political life. I think he, as one senator, would be very scared or very nervous to jump out and lead another effort to create a wilderness area in the state of Nevada. I strongly feel that there's enough lands for the public now, and if we do need wilderness areas, let's put them where the people are and buy out lands.

Wayne Hage argues in his book Storm Over Rangelands that the Sagebrush Rebellion failed because it had only an ideology and no real philosophy. My impression when I read AB413 was that it was in effect a statement of philosophy. Do you think that's an accurate assessment on his part?

No, I do not. I think that we had a goal, that we were shorted when we became a state, and that the effort that we wanted to finalize was to get more lands into state ownership.

I have great faith in Wayne Hage's lawsuit. I've contributed quite a bit of money there, but I know that he and I disagree on several things. I think that when it comes to credibility, Wayne Hage is kind of in the same camp of Carver's. I think that the leaders of the original Sagebrush Rebellion probably had more credibility with the public and the press than he and others have.

What do you think of his split-estate argument?

I think it's got some merit, but I'm not a lawyer, and I have never really spent that much time researching it.

Do you think it's possible that the feds are stalling and hoping that Clinton and Gore will be able to put a more liberal Supreme Court in place for when it goes on appeal?

No, I don't think it is, and I hope that will not happen. [laughter]

Who do you think owns the range?

[big sigh] Well, I think that the West was really not treated fairly, and I do not think it belongs to the American public. I think that maybe certain parts of it belong, but when you can see how we were treated in the West compared to the East, the Midwest, and the South, we were harmed, and it has stymied economic development, particularly in Nevada and other areas. I think that much of that land should be in state ownership, and let the states and the counties determine its destiny.

Would that include some privatization?

Yes, you bet it would.

In the final analysis, what do you think you accomplished in the 1979-1980 movement? Anything lasting?

Oh, I think so. I think we alerted the federal officials that if their management style becomes too badly criticized, that an effort like this has the potential to gain national recognition and support and that they always have to be fearful that this could happen again. If Gore gets elected, I would think you would see a major effort on another Sagebrush Rebellion type of effort.

Where do we stand now? You say potentially on the brink.

Oh, I think we are. I think we're very close, and this is just like when Carter was President; the pendulum went clear over to the left. Reagan got in, and it swung back and went over to the right. In the last two years of the Bush administration, you could see it slowly coming back the other way. When he ran for re-election, he said, "I want to be the environmental president of the century." That's why, I guess, right now many of us, at least in Nevada and my colleagues, are supporting George W. They feel he's a Westerner and understands our issues.

Where do you think it should go from here? Are there things that you learned twenty years ago that you would do differently now if it broke out again?

Yes. I'm sure there were. I think we became too involved with people that were pushing the privatization agenda. There was many professors and scholars that got involved in the issue that originally were not there. I think we got the sportsmen ticked off at us towards the end, which hurt us badly.

Then of course Ronald Reagan changed the attitude of the management people. I can't think of how we could have kept the movement going under those circumstances. And again, it's just unfortunate that Dick Carver muddied the water up. I think that—and I've even talked to Frankie Sue Del Papa, and she thinks—that the law that we passed in the 1970s could be used, would be used, for Yucca Mountain or another national garbage dump issue that they're going to do to the state.

That that might actually successfully put some of these lands into state hands?

Right.

That would be somewhat of an irony—sort of a mixed blessing.

Yes.

You get the nuke dump, but you get the land.

Yes, right. I think they would use the Sagebrush Rebellion law for that purpose. I think it would have some standing in court, if they try to shove the nuclear dump into our state without Nevada giving its own permission.

They'd pull out AB 413 again?

Yes, and use that. But also, it's been suggested before that they give us, what was it—two million acres or some little piddly thing? It never got into a serious talk. I was in a discussion one time in Washington D.C., I guess, with Senator Raggio and two or three other people, and it was just a closed-door session. They were trying to get from us how much money it would take and how much land it would take, if we signed off on the Yucca Mountain, because there's some of my colleagues, you know, Senator O'Donnell [William R. O'Donnell] and Senator Jacobsen [Lawrence E. Jacobsen] and others, that feel that we're going to get it, so let's make a deal. I'm not one of them. I forget what it was, but it was almost laughable what they were going to try to give us, so everybody just said, "Hey, we don't want it, period."

I think the movement became very significant. The earlier efforts of the challenges to who owns these or public lands . . . I know when you show these maps to . . . I've got a little card that shows this. You've seen them probably. I'm riding on an airplane, and I get, "Oh, you're from Nevada. What are you...?"

"Well, I'm going back on public lands."

"Oh, really? You've got public lands in Nevada?" You pull out that card, and they say, "Good God, what's the government doing owning that much land?"

It's a real issue. I think that the Sagebrush Rebellion really educated a lot of Americans to, "Why did we own one-third of America?" Are we Russia, some foreign country? I think it's an issue that's going to stay out there a long time. It's just like a little fire, I think, that's still smoldering, and if the winds blow the wrong way, it's going to create another national movement.

MARJORIE SILL

Susan Imswiler: How did you first become involved with environmental issues in general, and the Sierra Club specifically?

Marjorie Sill: Actually, I've always been involved with environmental issues. My mother was a real environmentalist. She grew up on a ranch in southern Oregon, and she cared *a lot* about the environment. I think I got much of my interest from her.

After I was grown, I had many friends who were members of the Sierra Club. I never joined until 1954, but my husband, whom I married in 1949, was a member, and later he went on to be a member of the board of directors of the national Sierra Club.

How did you first hear about AB 413 and the Sagebrush Rebellion?

I actually don't remember who told me about this first. I kept track of the bills that were going through the legislature at that time, since the Sierra Club had no paid lobbyist then. We do now. When something came up that seemed important as far as public lands and the environment, then I made it a point to find out what the bill was about and find out if it would be necessary for me to testify.

What was your reaction when you first heard about the legislation that was pending?

Quite frankly, I wasn't surprised. In 1976, the Bureau of Land Management became a . . . I don't quite know how to say this. It used to be known in the previous years as the Bureau of Livestock and Mining. The Federal Lands Management and Policy Act was passed in 1976, and, again, an organic act was passed for the BLM. This meant that it would be enlarging its horizons. For one thing, it was mandated to study areas for wilderness. Wilderness has been a bad term in Nevada since, actually, probably before I moved to Nevada, when they passed a bill saying that Nevada wanted no wilderness at all. I believe this was about 1959, 1960.

Since the Bureau of Land Management was *mandated* now to manage lands much more like the Forest Service manages lands, I was not at all surprised that AB 413 was introduced, which would turn over all Bureau of Land Management lands to the state.

How did you become a spokesperson for the group in the legislature?

I spoke a lot at the legislature on different things, and it was easy for me to speak. At that time, our Sierra Club in Nevada was quite a small group. I think we had only about nine hundred members. Now we have forty-five hundred members, so you can see what the difference is. But at that time, it was just logical for me to go down and talk about it.

And you were teaching high school at the same time, right?

I was teaching high school. I taught mathematics, including advanced placement calculus. I also was a joint teacher on the independent study program.

Do you think high schoolers had any inkling of what was going on? Were they at all interested?

At that time, I think they were not. Previous to that, about the time the first Earth Day started, high schoolers became very, very interested in the environment. We actually had an ecology club of which I was the sponsor, and we did a lot of things. We went down to the legislature and presented bills on clean air that the kids had come up with, and also bills on recycling. So there was a *lot* of interest in the early 1970s, but I think by the time this bill was introduced, much of that interest seemed to have been channeled in other directions.

What about the general public? Did you feel like they were adequately informed, or were they even interested?

I don't think they were adequately informed. I think most of the general public didn't even understand what was going on. At that time, both ranching and mining had a great deal of influence politically in the state. The other uses of the land . . . tourism and all of that kind of thing that we have now were not terribly active. So you didn't have the interest among most people of the benefits of what our public lands are here.

What aspects of the bill did you address in your testimony?

I addressed several aspects of the bill. One was the fact that I felt that the federal government—and given that they had made a lot of mistakes—was still a better caretaker for the lands than the state of Nevada would be. Another aspect I addressed was the economic problems that the state would have in taking over the lands, because it cost a great deal of money to manage lands, and I didn't feel the state had the resources. The third thing was I felt that much of the most desirable land would be sold. I think that this would be necessary in order to meet the financial commitment, and it would be sold in such a way that the general public would get no benefit from it. The fourth thing was I felt that the state would carry

on its ban against wilderness, the designation of wilderness. Nevada has some of the most magnificent wild lands within its borders of any state, so that we would never be able to get this recognized.

You said you felt that the federal government would be a better caretaker than the state of Nevada. Do you remember any of the reasons why you felt that?

No. I didn't see specifics in the legislation, how the state would presume to manage it. There are some good words in there about wildlife and so forth, but I had no idea how they would possibly manage all of this land, because Nevada is the second largest Bureau of Land Management state in the country next to Alaska. This is a *huge* amount of land to manage.

Did you see any legal problems that might result from implementation of the bill?

[laughter] Well, quite frankly, I didn't think the bill would be implemented legally, because what they claimed in the bill was that it was unconstitutional for this land to be managed by the federal government. I did not think that this was correct. I thought, legally, it *would* be decided that the federal government would continue to manage the land, and actually, that is what has proved true.

Section Six is the section that mentioned that it should be managed with care for natural resources, wildlife habitat, and wilderness areas. Did you feel that Section Six provided adequate protection for those kinds of resources?

No, I didn't. Particularly, I felt that if the state had control, as they do now, over the wildlife, there is no change in the fact that the state has control on the wildlife, and, in many cases, they don't do a very good job. On the wilderness, I just explained what the state's position was on wilderness, and that was no wilderness.

How would you compare your position with Cliff Young's "wise use" proposal? Were you pretty close, or did you have some differences?

I think Cliff Young and I agreed on most things. I have long been an admirer of Cliff Young when he was in the legislature, and we have spoken together, met together many times, and he has been extremely strong in recognizing the benefit of public lands to Nevada. We come from a different point of view; Cliff is a hunter and cared a lot about access for hunting. I was more of a hiker, backpacker, naturalist. But also, I cared a great deal about having access to the public lands.

Were you also involved in opposition to the MX missile system?

Absolutely; very opposed to the MX missile system and, in fact, worked very strongly on that campaign in all aspects of that campaign, because I felt that it would be the worst thing in the world that we could have in Nevada.

What were some of the things that you did?

I spoke at the legislature; I spoke in public meetings. I actually was the staging area, the basement of my house, for some of the protests against the MX missile that were put on by such organizations as Citizen Alert and so forth. And, actually, my husband was killed on a flight back from a working meeting in Utah against the MX missile.

Oh, no. Do you think if AB 413 had passed, that it might have helped or hindered the fight against the MX missile system?

I don't know. I can't make any judgment there. But let us say that the MX missile had so much opposition that I don't think it would've ever gone anywhere, regardless of any bill.

You mentioned that you had also been involved in the Jarbidge issues. That began about three years ago with the flood.

Right. The flood was about five years ago; about three years ago is when Elko County decided to rebuild the road on their own. I happened to be there. I had my church group there for an outing, and the day after, the county bulldozed part of the road down into the river, saying they wanted to restore the road.

What did it look like?

Oh . . . there was a huge amount of damage done, a huge amount of erosion into the river from the bulldozer activity and, quite frankly, they left a terrible mess there.

After that, did you become involved in any of the hearings that have been occurring in the last few years?

Yes. I have been at hearings; I have communicated with the present and the former supervisors of Humboldt-Toiyabe National Forest—Gloria Flora and now Bob Vaught.

Did you speak in any of those meetings? There were several for example, which were overseen by Helen Chenoweth-Hage.

I didn't go to her meeting because I felt it was a set-up meeting, where they didn't really want to hear from people who did not agree with their point of view. I don't try to put myself into situations where I would be threatened or where I would be not listened to. But I have participated in the open hearings that the Forest Service has held on the issue.

Were you up there on the Fourth of July, when various groups were protesting for and against the opening?

I was not. I was in central Nevada at that time on another expedition. But it was attended by our present chapter chair, Ellen Pillard, who is also a member of Great Old Broads for Wilderness.

Can you bring me up to date on what's happening there?

Yes, I can. The county wanted to do some restoration of the banks, and the Forest Service issued a permit to them to do this but under some very strict stipulations. Unfortunately, the county did not follow these stipulations. Consequently, there has been a lot of trespass by vehicles into the Jarbidge River, and of course, the importance there is that the bull trout is a threatened species. The Forest Service is very concerned about this; the U.S. Department of Fish and Wildlife is very concerned about this.

Right now an environmental impact statement is being prepared on the road, and there are going to be several different scenarios, several different alternatives in the environmental impact statement. That should be out in December, we understand—the environmental impact statement.

One would be to rebuild the road where it has been. One would be to rebuild the road at a much higher elevation—in other words, sort of put it over the top. One would be to take no action. One would be to build a foot and horse trail from Pine Creek campground to the wilderness boundary.

There are a couple of other alternatives, I understand, but we will not know what these are until the draft environmental impact statement comes out in December.

You mentioned that there were some strict stipulations put in place. Do you remember specifically what those...?

Yes; I can remember one in particular. When they came in they were to have the bank at a two-to-one ratio. That means like this, two to one. Instead, the county built it at a four-to-one ratio, which meant that a lot of vehicles could drive in. The county also put in a dam, which was totally unacceptable to the Forest Service.

Was that included in one of the stipulations?

No; no, and they were only to do what stabilized the banks. Putting in a dam was totally wrong. There are some other things, and the Forest Service right now is investigating everything that was done. They have not come out with a document yet.

But the Jarbidge Road has never been classified as an RS 2477 road. The Forest Service has never said that it was an RS 2477 road. What they said was that they would work with the county on the environmental impact statement and on what happened. We're talking here about only the two miles of road that were washed out. The status is very uncertain, and that probably is what may be in the courts.

What relationship do you think ought to exist between federal and state or local governments in terms of managing these lands that are formally held by the federal government but are physically within the jurisdiction of the states?

I think that all units of government should work together in order ensure that there is a healthy environment, that people have access to the lands, that the water and the wildlife are properly managed, that there is not this kind of antagonism that has existed for several years between the so-called feds and the locals.

And you actually debated something of this issue with Dick Carver?

Yes. Dick was one of the Nye County commissioners. He actually took a bulldozer and went into Forest Service land without a permit, and he was given a great deal of publicity in the national press for this action. To tell you the truth, it didn't get him far. What we're now trying to do with Nye County—and I say “we,” meaning environmentalists and people who want to work out some of these differences—is to work on a plan that benefits both the economy of Nye County and still preserves the magnificent country that we have there. I think that's the most important thing to think about.

Actually, it's proved to be easier with Nye County right now than it has with Elko County, because I think suddenly Nye County realized that it was to their economic advantage to *be* a partner in some of these things.

What was the venue and what were some of the specifics of your debate with Dick Carver?

It was a television program that was put on by a man who was running for governor on the Republican Party. He had asked Dick Carver and another person who debated on that side. The people on our side were Joe Johnson, who is now our Sierra Club lobbyist, a former assemblyman, and I. He also had a lawyer from Los Angeles present.

The debate actually ranged... there were many questions asked by the man who was presiding who was, I would say, possibly hostile to *our* position. But it was a call-in show, and the people who called in were all in favor of what we were saying about preserving the land, preserving the watershed, preserving the ability of people to go on the land, because I think what people were so afraid of and are still afraid of is if this land is turned over to the state or to the counties, there will not be access for people.

You're familiar with the tri-county idea, and you've worked with some of these counties....

Yes. I'm very familiar with three counties: Lincoln County, White Pine County, and Nye County, although I understand that Lincoln County has had difficulties fitting into the tri-county plan. I know that White Pine County is certainly going full speed ahead on the idea of the management of the lands. I think part of that is because of the ranchers in White Pine County being upset about some of the behavior of people who come up from Las Vegas and ride their all-terrain vehicles around on their land, scare the cattle, do a great deal of damage. Consequently, they're quite willing now to enter into some kind of agreement which manages the land in the best way possible.

The economy in Nye County is two pronged—mining, for the most part, and since that's collapsed, Tonopah is headed for ghost town status. Do you think that it would be in their best economic interest to come to terms with the tri-county agreement?

I would like to see something work out with tri-county in Nye County that would benefit both the economy of Nye County and preserve the environmental values. Nye County is a very special county. Of course, it's the largest amount of acreage we have here in Nevada. You have all kinds of wonderful areas, like Morey Peak and all of that area. You have these ghost towns that should be very amenable to a tourist coming and adding to the economy. You could have some very special areas there that would emphasize what Nye County has and what it can offer to the visitor, not only from Nevada but from out of state. It should be very, very possible to sell Nye County as wonderful place to visit.

Now, Morey Peak is fairly accessible, but the actual town of Morey is fairly remote. How do you manage to bring accessibility without losing wilderness?

I have been to the town of Morey, and it's, of course, outside the wilderness boundaries. It really is not a place that we would recommend for wilderness. Wilderness is unroaded land that has solitude and is five thousand acres or more. So the town of Morey is an extremely interesting town, and it's quite accessible from a dirt road, so there is no reason why we couldn't have that as a destination place. There is also no reason why we couldn't have more in the way of offering accommodations for people in Nye County, because outside of Tonopah, it's really hard to find things.

I was thinking that a bed-and-breakfast, guided tours . . . We have packers as they do in White Pine County; we have some packers in Nye County. Not only hunting and fishing, which is absolutely wonderful, and there could be no better fishing than we have in the Arc Dome Wilderness, but also getting people out to see what we have and to make it possible for a lot of different people to go there.

The thing about Nevada is, it is so unknown to most people. We have all these wonderful petroglyphs, where they can see records of ancient people. Nevada is fourth or fifth, depending on which reference you read, most biodiverse state in the country. It's a *perfect* place to see wildlife, and we're not taking advantage of all of these opportunities. So I'm very much in favor of ecotourism.

I'm just thinking about that road into Morey. I don't think I'd want to take a car on that; a truck maybe, but not a car.

Yes. I have a four-wheel-drive. It might be that what we would have to do, is to have people leave their cars outside and then *have* a staging area and *take* the people in. What better business?

Sort of like they're doing at Yosemite these days?

Yes.

You mentioned, in working with the tri-counties, that Lincoln County seemed to be less willing to cooperate?

I noticed this in the past. When I was lobbying for the Great Basin National Park back in the 1980s, I went to both Lincoln County and to White Pine County. The people in White Pine County were very, very interested in the park. We got great support from many of the businesses and from the chamber of commerce there. They could understand why it would be of benefit to Ely and to White Pine County. But Lincoln County . . . it's as if they didn't even want the park. And I never could understand that, because at that time the principal route from Las Vegas was through Lincoln County. It didn't make sense to me that they ignored what benefits they would get out of the traffic coming into the park, because park visitors are usually the kind of tourists you really like to have.

Would this have involved additional federal land, or would it have involved existing federal land?

No. It was existing federal land; the park did not go in on private land. It was a transfer from Forest Service land to park land, so there was no private land involved.

Lincoln County 99 percent federal land; would grazing rights have been part of the opposition?

Actually, since the park was totally in White Pine County, there was nothing that would have affected Lincoln County in any way, as far as land transfers.

In terms of the economics, do you think that placing certain areas off-limits to energy extraction or the extraction of either precious metals or strategic minerals puts the United States at a disadvantage within the global community?

Well, strategic minerals, even in wilderness areas, if a mineral is called strategic and it is only located there, then they may mine for it. Actually, in Nevada, nearly all of our mining right now is for disseminated gold. Disseminated gold is not a strategic material, and most of the places where disseminated gold is economic to mine lie within the Carlin Trend, which is on either side of Interstate 80, not in anybody's wilderness area.

If the proposed wilderness areas do go into wilderness designation, do you think exceptions ought to be made for potential or probable locations of crucial defense industry minerals? Some of those are not located along Carlin Trend.

Yes; there is that provision. In the Wilderness Act, the President has the ability to go in, and if it is a strategic mineral which is needed, then they have the provision in there that it can be mined.

Tell me about Revised Statute 2477 that comes out of Section Eight of the 1866 Lode Mining Law. "The right-of-way, the construction of highways over public lands not reserved for public uses, is hereby granted." What are your concerns about that statute?

The statute actually was revised in 1976 with the Federal Land Management Policy Act, and it said that only the grandfathered roads would be recognized. However, that is not what has happened in many counties. The movement to recognize all roads, whether they were really roads or cow tracks or horse tracks or whatever, started in Utah and Alaska. It was mostly used by the counties to ward off what they considered threats of wilderness or a roadless area designation.

It has since spread to a lot of other places in the West. In Nevada, Lincoln County has declared that they have many RS 2477 roads, and there is actually no way of telling how many they consider roads. In Elko County, of course, there has been the very famous case of the so-called Jarbidge Road.

You mentioned that the counties feel threatened by the wilderness. Why do you think they're afraid? Why do they feel the need to fight back?

I think that they are concerned because they feel that both . . . in the first place, let me say that probably most of the rural counties were opposed to the Wilderness Act. Although since it only pertained to the Forest Service when it was passed in 1964, they were not as concerned as they were after FLMPA was passed and the Bureau of Land Management was asked to inventory areas for these three criteria: it had to be five thousand acres or more, it had to have solitude, and recreational opportunities.

The Bureau of Land Management did do this inventory. They made what they called *wilderness study areas*, and they rejected a lot of areas that actually had these criteria, because there was too much private land in there or for some other reason. Then the Bureau of Land Management made recommendations for wilderness for their wilderness study areas, and these were sent to the President and to Congress.

For instance, in Nevada, we had over five million acres of wilderness study areas, and approximately two million acres of wilderness study areas were designated as suitable by the Bureau of Land Management. The rural counties really felt this was a threat because they had always been used to pretty much doing what they wanted on Bureau of Land Management land. Consequently, they saw that they would no longer be able to do this, or they had the perception that they wouldn't be.

Actually, there are few restrictions on wilderness study areas, amazingly few restrictions, considering . . . even on the ones that were named suitable for wilderness.

What are those restrictions?

Mining was one restriction. There was a period of time for mining claims to be proved up, and after a certain amount of time, and I forget the year, but it was probably around 1990, no new mines were authorized in wilderness study areas.

Does that appear problematic? My understanding is the difference between a mine and a tailing is the price of the mineral at the time, and gold and silver and a lot of the other minerals have been quite low in recent years, which makes it economically difficult to mine them.

Oh, this is certainly true, and actually, if you notice, the mines which are profitable and which have made money lie mostly on the Carlin Trend, which is either side of Interstate 80 and a certain distance. There are actually no wilderness study areas in that strip.

Consequently, that's when I say mining is sort of a false problem, because they were not considered good places to mine anyway, most of the wilderness study areas. In fact, that was probably the chief reason for rejecting some wilderness study areas for recommendation, was that they had what they called high mineral potential. But high mineral potential does not mean they have an economic stake, prospect, that would fly economically.

You mentioned about five million acres have been wilderness study areas.

Five million acres were put in wilderness study areas, and out of those five million, two million were recommended to the Bureau of Land Management.

Of the Bureau of Land Management lands, how much has gone into wilderness?

Seven hundred and fifty thousand in the Black Rock-High Rock bill, and in the recent Clark County bill, 452,000 acres.

The remaining three million acres, isn't this what the tri-county effort is all about?

The tri-county effort . . . they're looking at their areas, but I understand they originally were going to look at all three counties together. That has not happened. I think Nye and White Pine Counties have an agreement to look at them together, although I think White Pine County right now is ahead of Nye County. But Lincoln County has gone it alone. The county commissioners have been looking at the wilderness study areas in Lincoln County, and they have made some trips out. It has been an open process in that there have been other people besides Lincoln County commissioners there, but it's been a rather . . . what word should I use? *Antagonistic* is probably too strong.

Somewhat contentious?

Contentious. It's been a contentious process.

In 1994, Interior Secretary Bruce Babbitt developed regulations changing the definition of highway from its 1866 meaning of passable by horse or some kind of horse-drawn vehicle to an actual constructed highway between significant centers of public activity. I have two questions relating to that. First, wouldn't that appear to put ranchers at a disadvantage, since the nature of their work requires that they not be near concentrated centers?

I don't think that it was . . . you understand the original RS 2477 was a revised statute because it was attached to a *mining* regulation, and it would have nothing to do with ranchers. I don't think this has proved to be actually a big problem for ranchers, because they have used the same roads and same ways that they have always used to access what they have.

It's very interesting—I went to a meeting of Dean Rhoads's subcommittee on wilderness, and the former head of the Nevada Cattlemen's Association actually said, "We've had no problem with the wilderness designated so far." Which I find a very interesting statement, considering who made it.

Do you remember who that was?

I wish I could. He was former head . . . Guild? I remember he was head of the cattlemen's association for quite a long time, an articulate, well-spoken gentleman.

The second question I have is that, given the nature of politics—for example, in the last election, Democrats lost a lot of seats—are you comfortable with bureaucratic regulations carrying the same weight as law, given the fact that they can shift one way or the other, depending on . . . ?

No. Quite frankly, no. In fact, we're very concerned about attacks on environmental laws right now, given the fact that the tendency seems to be to gut both regulations and laws, or to overturn regulations, depending on who is in power. We do not think that the environment should be a partisan issue. We think that both parties should be interested in protecting the environment, because it actually is the future. It's the future of our country.

Do you think that the 1872 mining law should remain as it is, be scrapped entirely, or somehow be amended?

I believe that it should be amended and brought up to date. I think mining is a legitimate use of the land . . . the public lands. *But* the 1872 mining law is actually very much out of date. For instance, even Congress recognizes this, and they have not issued any patents to private companies on the land. Patents were issued for five dollars an acre, if you could imagine it. The last few years, no patents have been issued. This should be taken *out* of the 1872 mining law. The idea of giving away . . . and that's an essential giveaway of public land to a mining company for what it cost to buy a ticket to a movie. It is ridiculous.

There are other things which need to be changed. For example, the Bureau of Land Management is powerless to turn down a mine, even if it would do a huge amount of environmental damage. They require an environmental impact statement; they require that the company do everything they can to mitigate any damage. But they do not have the ability to say no, and that is putting mining at a different level than all of the other uses of the public lands, including ranching, hunting, whatever you work at. We feel that that is wrong, and that needs to be amended.

Nevada is the number two gold-producing region in the world, second only to South Africa. You don't think that that should bear any weight?

Well, of course, it *does* bear weight, and it is certainly true. On the other hand, look at another statistic: we have approximately forty mines right now that have gone through bankruptcy, and many of them did not have enough bonding to cover the cost of rehabilitation or even shutting them down so that they're safe. Therefore, the *state* has to pick up all of these costs. In other words, mining is good for Nevada, but it is also a *big* cost for Nevada.

Do you think the western states are at all at a disadvantage compared to eastern states, because so much of the West is federally owned?

I think the disadvantage that you have is not because of the fact that it's federally owned, but the problems with water. Take Nevada, for example—most arid state in the country. We sit right next to California, which is one of the wealthiest of the states in the country. California, of course, has a great deal of public land, not the big percentage that Nevada does, but a great deal. Most of the public lands in Nevada are not really lands that you could develop. For example, in Las Vegas much of the public land now, the small parcels, are being sold at very high prices under the Southern Nevada Public Lands Act. These are parcels that actually cannot be managed by the Bureau of Land Management, and they can be developed, and they are being developed. Also, some of the land is going to the cities of Las Vegas and Henderson for very good things. There are some areas in Lincoln County near the towns of Mesquite and Alamo that *can* be developed, *can* be used for other things. I think that's fine.

But there is a lot of land out there . . . Take Mount Grafton. Mount Grafton lies on the White Pine-Lincoln County border. It's the highest BLM peak in the state. There is some grazing on Mount Grafton. That's fine. But, otherwise, it is *not* an area that would be developable. It is extremely good for recreation, for hunting, for all of these things that are very appropriate use of public lands. As I think I said, I think that the rural counties need to have a program where they recognize the benefits of their public lands. I am very fond of a program called *Wild Nevada* on the public television. In *Wild Nevada* they visit different places and do various kinds of recreation and see what we have here in Nevada. I think that there is an enormous opportunity to expand our ecotourism . . . I'll call it *ecotourism*, because I

mean tourism which does not destroy things. And yet it would be of an advantage to the small communities in the rural counties.

How does ecotourism work?

Well, the place where ecotourism was actually started, one of the places, was in Costa Rica, and it was taking people into beautiful areas. There were facilities there for them. Let me give you an example of a way I could see . . . We have some absolutely beautiful state parks in Lincoln County, and people just don't even know about them. What if in Pioche or Caliente, we had a couple of really good bed-and-breakfasts? Then they could combine this with a program to *take* people out into these state parks, take them out to various areas, and show them what we have. Ely has tried to do this to a certain extent with their railroad and their support of Great Basin National Park and so forth.

Have they been successful?

Ely, of course, took a big blow when the mine closed, and that was not due to any environmental consideration. The mine just closed for economic reasons. They are glad they have what they have there, and they certainly have benefited from the park to a certain extent.

But a lot of the visitation comes from the south, from Las Vegas. Lincoln County could benefit exactly from the same kind of visitation by really the kind of people that you like having come to your community.

That's a little apart from the 1872 mining law. I'd like to get back to that because it does sound as if a law that was passed in 1872 certainly needs to be looked at carefully in view of what we have now. That's why I say "revise." Have a revision that makes sense. Now, this is not again a partisan issue, because one of the biggest proponents of the 1872 mining law is Senator Harry Reid, who of course, comes from a mining background in Searchlight.

Some of the opposition, or some of the people who want most to reform the 1872 mining law, happen to be Republicans from the East, and therefore you have an interesting situation. But I feel that you *do* need to make sure . . . One thing that the 1872 mining law has done unfortunately, it's allowed companies to come in, and particularly companies from out of the United States, foreign companies—Canadian companies, Australian companies—it's allowed them to come in, mine, and then leave, with no regard to what they're leaving.

Often these mines are upstream from a Native American community and consequently what has happened is that these Native American communities have borne the brunt of the acid mine drainage, of the polluted water, of all of these things, of the loss of springs for wildlife, and they have reaped none of the benefits of what has been mined there. Consequently, a law when it is unfair, when it does not help all kinds of people, probably needs to be looked at and amended.

Ranchers and miners sometimes report having a somewhat adversarial relationship with the Forest Service and the BLM.

Yes.

What kind of a relationship have you had in general with those agencies?

[laughter] Well, sometimes it's good; sometimes it's adversarial, and we have actually appealed a lot of decisions. We have in some cases—not so much in Nevada—filed lawsuits particularly against the Bureau of Land Management. We have questioned what their standards are for doing certain things. However, things are changing to a certain extent. When I first came here in 1959, and I notice there's a quote in the paper about this, particularly the Bureau of Land Management was very hostile to any outside interference. They did not want it. That has changed a great deal; we now have a very fine state director in Nevada who listens to everyone. You don't necessarily agree with all of his decisions, but the decisions are out there, and he has his reasons for his decision, which he is very happy to tell you about. And he expects that his district managers do exactly the same thing. I think it's improved a great deal.

We have always, it seems to me, had a better relationship with the Forest Service. Again, not necessarily that we agree with all their decisions, but we have always had a more open relationship with the Forest Service, even when I came here. That probably is because the Forest Service has less land in Nevada, and they're a better-funded agency.

A couple years ago, Gloria Flora was reporting that her Forest Service employees, particularly in Elko County, were feeling threatened by the ranching community up there. Have you ever run into anything like that personally?

I have never been personally threatened by anybody. But, after all, I wouldn't expect to be personally threatened. I know that Glenn Miller, on the board of Great Basin Mine Watch, has been personally threatened by some people; not the big mining companies but some of the small miners. But I have not, no. But I had known Forest Service employees who *had* been threatened and that they're particularly concerned about their children being threatened in school, and their children being ostracized in school. And also, there are in Elko, storekeepers who refuse to sell their wives' things.

What do you think of some of the more activist environmental groups, like Earth First?

[laughter] Well, Earth First, of course, is pretty much dead now. I mean, they were very active. I think some of the things they did were interesting and almost funny....

The thing that I remember first about Earth First was when Glen Canyon Dam was built, and you understand that many environmentalists, including me, were opposed to the building of Glen Canyon Dam. On the dedication, or the day before the dedication, Earth First got up there with big banners and with a crack painted in black paint, and when they unveiled the Glen Canyon Dam, here was this banner with this big crack across it! [laughter] Now, I think things like that are funny, because they're not destructive. I do not approve of any destructive behavior by environmental organizations.

Like the tree spiking and things like that?

Yes. I would not approve of blowing up dams, blowing up anything. Spiking of trees I don't approve of, because loggers could get hurt. I think that that kind of thing is unnecessary. If we're going to win victories, we're probably going to win them by espousing a point of view which makes sense, which is for all people, and also, we do use the court's law.

Do you think their actions help or hurt the environmental movement?

In most cases, I think they hurt the environmental movement, unless they're nondestructive. Now, I'm a great believer in the right to assemble and express your opinion, and that kind of action, I think, is fine. It's when it becomes violent, or someone gets hurt, that I don't approve of it.

In the recent election, nationwide and statewide, Republicans have had some sweeping victories. Do you see any results of that?

Well, first of all, nationwide, yes. We're very, very concerned about what we understand are going to be assaults on environmental laws. The Endangered Species Act, the National Environmental Policy Act (NEPA), some other laws which we felt were extremely *good* laws, could be overturned or could be circumvented. It's more likely they are going to be circumvented by the Secretary of Interior than that they're going to be actually overturned in Congress, because in the Senate, in order to stop a filibuster, you have to have sixty votes, and they do not have sixty votes against the environment.

What is your vision for the future in Nevada?

Now, let's get to Nevada. Certainly, Republicans won several seats in Nevada, and we have a Republican governor. However, that does *not* necessarily mean that environmental laws here are going to be overturned or environmental policies are going to be overturned. I have never heard a statement by Governor Guinn that he wants to overturn things. In fact, I think he's walking a very... well, his biggest concern is, of course, economics right now, but I cannot believe that that would be his program.

Some of the Republicans who have been elected are good environmentalists in themselves. The man from this district, Jason Geddes, who acts as an environmental officer for the University of Nevada in Reno, he certainly is not going to be anti-environmental. In fact, we expect him to be very strong on the environment. Also, in the recent election, some good things happened. We had Prop 1 passed, which gives money to agencies and state agencies, money for open space, and so forth.

We also had a proposition passed in Douglas County that meant that some ranches were going to be able to keep on being ranches. And, of course, Douglas County is the ideal place to ranch. If you look at the land, if you look at the water, if you look at everything else, that is wonderful ranching and farming country, and to have it overrun with condominiums would be really a tragedy.

Then Carson City turned down the conversion of Fuji Park to development and companies moving in there. That, of course, was a victory, too. I point to our Clark County bill, which had the effect not only of designating the wilderness, but of making a national conservation area at Sloan Canyon, protecting the petroglyphs. It was a balanced bill, not a bill that was anti-environmental at all.

Consequently, I see in Nevada that there is an opportunity for us to work together—that's the federal agencies, the state agencies, and all the stakeholders—to see that our state becomes more green.

Do you have any specific priorities, as you move forward in that direction?

The priorities would be to make sure that . . . probably the biggest priority is water. In this very arid state, water is an absolutely important thing. For example, environmentalists and ranchers agree entirely that they do *not* want the water from eastern Nevada, from White Pine County, sent down to Las

Vegas, as has been proposed by the Vidler Water Company. I mean, this is something that we can all buy into, because if you don't have the springs, you don't have water for your cattle; you don't have water for the wildlife, and you cause some very beautiful places to dry up and turn into blowing dust. That would be terrible. So I would say the biggest priority in the state right now from the environmental point of view is water and preservation of our watersheds.

How do you plan to reach those goals? Do you have any steps in mind toward securing watersheds?

I think that environmentalists need to, again, work with everyone concerned. On the water applications that Vidler made in eastern Nevada, particularly in White Pine County, we filed appeals to the state water engineer, giving the reasons why we felt these were bad applications. You have to be very site specific; you have to do your homework; you have to work together.

One of the water things right now that we are *really* very concerned about is the future of Walker Lake, because that is a big water problem. We do not want the lake to die. We don't want it to die for environmental reasons, but we also don't want it to die for economic reasons, because if Mineral County loses Walker Lake, the state will have to support Mineral County. So I think that we need to work on these issues; we need to be always looking for a positive solution, and sometimes it's very hard to see where you should go. We also need technical expertise; we also need a well-educated populace. I very strongly support both our public schools and our universities because I think that if you don't have an educated populace, then you simply go backwards.

11

SUSAN TIXIER

Susan Imswiler: What can you tell me about the origins of the Great Old Broads for Wilderness? That's such a wonderful name.

Susan Tixier: The Great Old Broads for Wilderness started in 1989 as an organization, although there's no doubt in my mind there were great old broads for wilderness around for decades before. As a response to Senator Orrin Hatch saying the elderly did not need wilderness because they could not get into it and therefore needed more roads and paved ways to get into wilderness, several of us took umbrage and started the organization without believing that we were starting an organization. We thought we would just do T-shirts and go to Congress and testify. We filed corporate status in Utah, in case anybody asked us at the hearing that we had not scheduled if we were an organization. We would say, "Indeed, yes." The T-shirts and the logo were well received, and we ended up printing the original hundred, plus another hundred, and finally decided we should be keeping the names of the people to whom we'd sold the T-shirts. So we sort of started an organization, but it started us. There were just people who wanted to be a part of it, and that's how it started. That was in 1989, and that was the celebration of the twenty-fifth anniversary of the Wilderness Act.

Were you involved with the original founding?

Yes.

Does your group have an official mission statement, other than the great line of about cleaning up after everyone's messes?

The official mission statement is to protect lands that are deserving of wilderness designation and to protect lands that have already been designated wilderness. These are federal public lands.

What actions do you take to protect them?

Whatever it takes. Publicity, so that we can garner support for bills in Congress or for administrative actions that are taken by the federal land management agencies. That also means press and media, which the Great Old Broads for Wilderness can get, and lawsuits, administrative protests, and introducing people, as we did this week, to the potential wilderness areas, to the public lands that are roadless and, we think, deserving of protection, so that they can fall in love and adopt them.

What was your conference this weekend in Reno?

The conference this weekend was our Annual Broad Walk, where we walk across some potential wilderness area on public lands. This week we spent four nights and five days out in the Nightingale Mountains, on the east side of the Winnemucca Lake. We came back on Saturday and had a conference discussing Nevada wilderness, bills, protection—wilderness with a small "w"—wildness protection, and California wildness, and potential wilderness bills. Then we had some inspiration in the afternoon: people who were artists, who connected us to the land in our hearts, because the Great Old Broads differ from other groups by our methodology, which is more right brain, more feminine, if you will. So Great Old Broads also includes men, and also, clearly, includes young women who have a passion for the land, a passion that publicly exceeds their own personal interest in it.

How do you choose, then? What's the process for choosing lands for adoption by a group?

That's an interesting question, because there are so many, say, two hundred thousand more acres or two million more acres or something, in the continental United States and Alaska, that are deserving of wilderness protection, because they are roadless, and they are public lands. As far as the Great Old Broads are concerned, that is practically enough. So from that general, huge number of roadless public land acres, we select acres that are most in controversy. The rock-and-ice wilderness, everybody sort of agrees. The high-peak wilderness and the lake-forest, everybody agrees should be wilderness. And then, there are areas . . . I live in southern Utah, and there is some beautiful land down there. By this point everybody in America, I think, wants to protect southern Utah wilderness.

Nevada is one of those places that a lot of people have not heard about in terms of its beauty, because it's stark, it's isolated, it doesn't have water, and its beauty is made up of different elements. So we have selected areas that are most in need of grandmotherly attention.

Once they've been selected, you said you used a variety of methods to bring these to attention, including lawsuits. Who have you sued in the past, and have you had successful lawsuits?

Well, we are in the process of suing the Bureau of Land Management with some other groups. We've signed on as plaintiffs with the Southern Utah Wilderness Alliance in Utah to sue the Bureau of Land Management over its abrogation of its responsibilities in managing ATVs on public lands and BLM lands in Southern Utah, for instance.

Do your lawsuits, then, tend to be over a particular area, or a particular issue, like the ATVs?

Both. Particular. We don't like ATVs. Grazing is another issue that we have been particularly interested in. If it were oil and gas, if it were some other incursion or threatened incursion, timber, some

other use that was incompatible with its wildness, we would consider challenging that use in whatever way possible—going through the administrative process, et cetera.

The grazing issue is one that the Great Old Broads have long been interested in. We don't think you should be grazing in designated wilderness, and frankly, not where grazing is likely to damage the land at all. Same thing with ATVs. We can't think of a time that ATVs should be on public land, because wherever they go they are going to destroy wherever they are.

There's never any reason for ATVs?

Not off the roads, and not designated trails. I'm talking about roads that you could take a two-wheel drive mostly on unpaved roads through public lands.

How about things like oil and gas? Do you see those as a potential harm, or do you think the oil and gas can be extracted without inherent harm to the environment and wilderness area?

No, I think that that's potential harm, as well, and I think that depending on the nature and the extent of the damage, some of that is already in some ways a foregone conclusion, because they already have their leases. Those are, I think, every bit as difficult a threat to deal with except that there is a provision in law, and there is a long history of managing the lands for oil and gas drilling, whereas ATVs are a fairly new phenomenon and land management agencies haven't the precedents to know how to make some of the decisions that they should be making, I think, about them.

Is there any use, then, that you see for wilderness areas, other than just being designated as areas with limited access?

No; the answer is no. I think that from the Great Old Broads' perspective it's the land, not the people, that we should be looking at, and our sense is that the first presumption should be to protect the land and determine the uses after the protection is considered, rather than looking at the uses and considering protection after the uses are designated.

I assume you are familiar with the Public Employees Environmental Reform and the Forest Service Employees for Environmental Ethics. The latter sounds like more of a watchdog group along the lines of yours. Have you worked with them?

I know the people, and we've worked with them well, and it is amazing how many public servants in the land management agencies are inclined to feel the way the Great Old Broads do. Those are not the directions that have come down from on high. But when we have talked to people out in the field, and not necessarily the line managers, although even some of those who are very sympathetic to saving the land and looking at the land, rather than the people who use it . . . Working with PEER and FSEEE is certainly something that we have—I have a relationship with them, and I know and respect and admire them, but there's nothing that we do directly together.

Do you feel that they don't get the kind of results that you get, or that you desire?

No, I think that they're focusing on the public servants, the employees, and we're looking at the land. There's a nexus, clearly, because the employees that they're working with are quite frequently the whistle-blowers and the people who are sympathetic to our policies and to our understanding of what they should be doing. Quite frequently, from on high, from their higher-ups, they do not get the support, so they go to FSEEE or to PEER to seek it. It's connected in some way, and we certainly would give support to them. The other thing that we do is not tell anybody where we get the information.

Do you feel, then, that the Forest Service and the BLM do need groups that are going to kind of keep an eye on them?

Yes, I think every taxpayer group from both sides of the barbed-wire fence needs to be watching them.

Are you familiar with the history of the Sagebrush Rebellion, in general, and in Nevada, specifically?

In general, yes, and a little bit in Nevada.

When did you first become familiar with it; when did you first hear about it?

About twelve, fifteen years ago.

What kind of a reaction did you initially have when you read about some of these issues?

Mixed. My dad was a uranium miner, and so I grew up with the thoughts of mines in public lands, kind of a household belief system. It really didn't occur to me to question it, so it was probably with some empathy that I considered the Sagebrush Rebellion. I could understand the sense. I'd heard it at home from my father about limiting federal government control over public lands, but the sympathy with the lands certainly was not compatible with the Sagebrush Rebellion policies and notions.

Obviously, after my first thought of thinking these are Westerners' states' rights . . . They know the land. They've been out there. The whole notion of the Sagebrush Rebellion for anybody who's been born in the West, I think, is almost a knee-jerk response, or used to be. It was a positive knee-jerk response, because we're out here alone. On the other hand, then you start looking at what they really intended to do, and why, and it became clear very fast that these were not people who cared about the land.

What do you think they really intended to do?

They were taking care of themselves. They were taking care of their futures, which is not necessarily in and of itself a bad thing to do. It was just that they were taking care of their futures at the detriment of the federal public lands that belong to everybody.

Do you think that the state or the county would be able to administer the public lands?

No, I do not.

Are you thinking in terms of budget or policy?

No, I'm thinking that if there's a county commissioner or a state elected official, the reality is that they're going to respond to their constituents, and it happens in the field offices of the federal land management agencies. So, I think the political reality is that the closer the agencies are to the people whose lands they are... or whose permits they are supposed to be monitoring, the more difficult it is for the agency people to do the correct thing. Having said that—and those are federal employees—I know what would happen, knowing county commissioners. Certainly as the county commissioners in Elko County have demonstrated—and other counties across the West—they are more interested in the constituents who have elected them, who are their friends and relatives, than the federal public lands. I don't think, again, it is an unnatural reaction or a selfish reaction. I think it is reality. So the reasons I think that states and counties, responsive to their constituents, couldn't do a good job with federal public lands, is a perfectly logical problem. I think it's not solved by giving it to the counties. I think it has to be maintained in federal public control.

When did you first hear about Jarbidge?

Oh. Maybe with Gloria Flora. Is that right? No. Probably with the shovels, the pictures of the shovels.

Back in January or February?

Is that when they started putting the shovels on the...?

That's when they had the Shovel Brigade.

And the shovel on the courthouse steps. Probably then, yes.

How did your group decide that you were going to become involved in this particular issue?

Again, I think it's because everybody was talking about it. Everybody in the public lands, wilderness, environmental groups, was talking about Jarbidge and what was going on. If you look at the whole landscape of public lands activism, there are decision points, and there are issues that turn the landscape around.

In terms of states' rights, Sagebrush Rebellion, county commissioner rebellion, Nevada has always had a reputation for being the states' rights state. So this seemed to be contrived to be the bellwether for the Sagebrush Rebels. I think it was, in retrospect, and I think some of us thought, even before, that it was a last gasp, or one of the last death-throe gasps of an effort that will be closed in the next decade. I think in terms of what was done eventually. I think that the press picking up on it to begin with was . . . if I had been running the Sagebrush Rebellion I would not have done it that way, because they made promises they couldn't keep, and they started a battle of that. I think that they're not going to win, and I don't think that's very smart.

So before you read about it, you'd never actually been up in the area?

Yes, I'd been up in the area. I'd been in the southern part of Idaho, so I'd been within twenty miles of Jarbidge, but I had never been to the city Jarbidge.

What were you hoping specifically to accomplish by going to Jarbidge over the Fourth of July?

Some of the fury and foment that the rhetoric from the Shovel Brigade people . . . I think the Great Old Broads, because we're old women, are better capable of talking with opponents who are, one, not going to physically do anything to a Great Old Broad, and, two, any of the press that are looking at a bunch of guys walking around with their shovels, all being very, very macho, and a bunch of women saying, "This is really ridiculous." The public looks at it, does not feel necessarily empathetic to the Shovel Brigade. So it was a matter of public expression, but also symbolic.

There was the bull trout, because that's really what all this is about. People have forgotten, and that's typical of many of the battles that are being fought over natural resources, because they forget that there is somebody, some entity not at the table, not on the battle ground, and not represented by anybody. That typically is the wildlife, the wild lands, the wild water resource, and the Great Old Broads really believe that that personage should be represented in any of the arguments when we're trying to decide what to do, because it's not about you, and it's not about me, and it's not about the people of the Shovel Brigade, because within three decades many of us will be dead and buried.

Thirty years is not very much, but for a bull trout, they're not going to come back. We're going to have children, we have children, we have other people who are going to go and carry on the battle. Bull trout has nobody to carry on the battle. Once all these old guys—and some of the people there I swear to God are not going to last for another thirty years—once they breathe their last breath they're going to be dead and gone. Their relatives are going to . . . and the fish have nobody to weep, and there is no legacy for them. This is a one-shot deal, and nobody is speaking out for them.

The Fish and Wildlife Service is being politicized. The Forest Service is being politicized. It's all about people; it's not about the land. And of all the places, that Jarbidge area is gorgeous. If anybody there had a half a brain, they'd want to protect it, only so other people could use it, and they could all continue to make a living. They're *not* going to be making a living if that's all developed and paved and the bull trout are gone.

One of the things about the Great Old Broads is that the wisdom of age tells us that thirty years is not that long. I can remember thirty years ago. I know what has changed. I know how ideas have changed; I know how fashions have changed; I know how thoughts about sex, drugs, and rock and roll have changed. Women's rights have changed. Minority rights, educational opportunities for people—it's all changed in thirty years. Human beings have the alacrity and the ability and, I think, even the compulsion to make changes and live with those changes and be happy. I think human beings can make themselves happy—under conditions of growth, conditions of illness, conditions of wealth, conditions of power. Fish can't change. They have a limited number of conditions under which they can carry on. So our recommendation is that human beings endeavor to change their lifestyles, because we can't do it with the land.

Can you give me sort of a rundown of events from your perspective of what took place?

Well, as I said, I heard about it. We talked to our board of directors and decided that we should go, whatever that meant. We wanted to keep our numbers small, because at the time that I had heard about it, there was something like ten thousand shovels that were going to be there, and the closer it got to the event we heard there was staging area. We talked to state directors in both states, and they said, "Don't go, it could be very dangerous." So, we decided not to take a lot of people, and I think we had just over twenty. I think we had a couple a dozen people. So we went up early, looked at the area, because we wanted to make sure that we knew what we were doing if we get caught someplace.

There is a woman we knew and met in Murphy Hot Springs who had private property on which we knew we would be safe. We also rented some rooms at the Jarbidge Inn, because we also thought that we would be safe. We didn't want to be caught on the road, so we tried to figure out ways to get into town without having to be on the road, because we frankly thought that we would either be run over... it was a little terrifying, and as executive director I wanted to make sure that all the people who were there were safe. So we went a couple of days early and found a camping spot up on the island between the east and west fork of the Jarbidge River. We thought we were . . . it was covered, and we went into Jarbidge, and it was fairly quiet until the day of the event.

The night before there was something going on on somebody's ranch whose name I can't now remember—the man on whose land all of the staging took place,— and so we'd drive back and forth, and we could tell that there were a lot of Porta-Potties out, expecting a huge number of people, and that never really happened. So when we went into Jarbidge, carefully, the night before the actual event.

They had gone the day before, on the third, and I think there were a hundred of them or so who actually did the stone work and opened the road. So by the time we got there on the fourth it was mostly just the show of pulling the rock out. It was assembled, and it was a relatively small group of people. It was pretty benign. There was nothing threatening, nothing more threatening than a county fair, really. There was a guy on horseback with a bunch of guns that was scary for a while, but the legal presence was not obvious when it was there. It was pretty low key. There were not a lot of uniforms for the federal government, if any, so that was low key. There were reporters, a lot of reporters of various ilk. And yet, even some of the major reporters were not there, because it was so difficult to get the cameras in and get the information out on the Fourth of July, competing with everything else, which, as I said, if I had been working with that bunch, I would have made sure that would have been covered. They did get some coverage, but it kind of fizzled. In terms of real coverage, it was not done very well.

We were in some ways out-grandmothered by the little old lady who showed up with her son and was paraded out and was certainly older than any of the rest of us, and got into her Jeep and drove onto the road. Out of respect for her, and out of respect for... there was also a woman there who was handicapped and in a mechanized wheelchair, and rather than denigrate that woman — none of us are into the kind of ugly face-to-face, confrontational, sit-down-in-front-of-the-rock-and-move-our-old-bodies kind of program, although we thought about of doing that. So we were there, and we were interviewed, and I think that considering the potential, we did what we could at that point, but the important thing was what happens now, because the fish are still threatened, and the Forest Service is not doing a the right thing. So we're in the process of trying to figure out what to do now.

Are you satisfied with the results of your efforts?

No, because the results of the efforts will not . . . we won't be satisfied until the fish are protected. Frankly, although it will never be realized, my dream would be to have both the east and west fork protected.

The entire length?

The dream of all dreams would be to bring back the bull trout, all the way down to the first dam, but it's an isolated bunch of bull trout because of the grazing down the stream in Jarbidge. The water, as I understand it, gets too hot, so they can't go downstream, even if there weren't dams there, but I think there are dams further down. So they cannot spawn the way they used to spawn, but they do need spawning areas around that area.

Again, it's not for the people, but if anybody there had a half a brain, they would clean that town out. They would feature the bull trout, instead of shooting it. I don't know if you know what I'm talking about, but there is a huge picture of a bull trout at the top of the hill going down into the Jarbidge river area, the canyon, and, of course, it's all shot up, particularly the head of it. I mean, that's [exasperated sigh] cutting your nose to spite your face. It's an unfortunately ignorant attitude, and there is such potential for making that be a lovely place, save the bull trout, have the people have some future, have their children have some future. And now it's going to be known forever as the place that the stupid Shovel Brigade was there, and they're insisting on driving their ATVs. I mean, what are they going to be known for? Destroying bull trout habitat.

You said a minute ago that you'd like to see the entire length of the east and west forks wilderness.

What I said was that I'd see it protected.

It sounds like when you get farther south on those that it's too hot for the bull trout.

Yes.

Did you, when you were there, see evidence of environmental damage caused by the Shovel Brigade?

No.

Just before the Fourth of July, about two weeks before, if I remember correctly, Katherine Landreth, the U.S. attorney, sent letters to several leaders of the Shovel Brigade: Demar Dahl, Marla Griswold, and A. A. Cuthbertson, and they resigned their positions as leaders. They were threatened with lawsuits by the federal government if they participated. In the end, a few weeks ago, the participants in the Shovel Brigade were not charged with any violation of the Endangered Species Act, the Clean Water Act, but with trespassing. What's your take on that?

Well, I think somebody in the group was smart enough to consult a smart lawyer. Maybe they have had one that's not too smart, but I think that the supposed smart lawyer said what you don't want to do is take on an endangered species, and you don't want to get screwed up with the Clean Water Act, and what you could be charged with is trespass, and that has a different connotation.

I don't where it's going, and this is not something that I think I'm aware of, so I don't know what will be the results of their being charged. I don't think they are going to be thrown in jail. I don't know whether they're going to make this a test case to see if the federal government says you can't build the road, they go and build a road, what happens to that? That may be what they're being used for by a larger group of people.

I must say that it's so easy to be caught up in a movement that I think some of the people in the Shovel Brigade are being used, and whether they are being used or not is their decision and their determination, but I think they're being used by people who have a larger agenda, and the larger agenda is to challenge the federal government and the public lands issues all the way to Congress and the Supreme Court. It's very political, and there's a much, much larger concern. So if they are putting their neck on the line to try to see what happens when the federal government requires them not to build a road, or open a road, that's their business.

I think that if they win, and people can go out and open roads whenever they want, anybody can go out and close roads whenever they want, too. I don't think the federal government or any judge will let them go there. The federal land management agencies have clear decision-making mandates, and their discretion in making those decisions can be challenged, but it's a pretty large latitude in making decisions that they make. If they're challenged—and I challenge them about as much as anybody—and they lose, and they lose that discretion, and it's up to people who want to make a living in the area or environmentalists who think it should be preserved forever, and there is no control over it, we've *all* lost.

Do you think it's possible to strike a balance between the needs or desires of the people who are trying to make a living in the area and those who want to see it preserved as wilderness? Or is it sort of an either/or kind of situation?

Well, I think if you're presuming that dealing with people that make a living there is to destroy wild fish habitat and drive up and down the rivers in their ATVs, then we're lost anyway, because that can't be a way to make a living. Nobody is making a living driving up and down that river, and if they're getting paid by the Shovel Brigade for going to court and showing up to do this, that is a heinous way to make a living. So I don't think it has anything to do with people making a living and saving the land, and the jobs-versus-posies argument doesn't apply. In most cases it doesn't apply, because there are . . .

I was just in Denver last week and Qwest—I think it was Qwest—laid off . . . it was originally thirty thousand people. Those people make a living. Those people have a way of life. Those people have children and insurance and expectations and mortgages, and there is *nobody* who is going to Qwest and saying, "Excuse me. It's either you guys lose money and keep these people on, or they're out in the streets." It's a business, and the business of running public lands is to protect them. There's nothing different from these people finding some other way to live their life, but this is not how they're making a living.

I'm sorry, I'm not familiar with Qwest and what they do.

It's a telephone and communications organization, and they're cutting the bottom line. They're going to make more money. They laid people off. Nobody is raising their hands and saying, "You can't lay those people off. That's their way of life. They have mortgages." I don't know how many people live

in Jarbidge—eighteen? The people who are driving up and down, as I understand they are doing now in the Jarbidge River, aren't making a living doing that.

You mentioned people with larger agendas and the attempt to challenge the federal policy through the court. Were you referring to Wayne Hage and his case against the Forest Service, in particular?

No, I think that it's the mining companies. I think it's the Republicans. I think it's the people who are funding the people for the West, the Mountain States Legal Foundation. Wayne Hage is part of it, but there are bigger minds that are sitting in bigger offices that are thinking, "We need to get these people organized. We need to get them hot under the collar. We need the federal government on its back."

You look at the people who are making the money off the federal public lands, and it's not the small people who live in Jarbidge. The small people who live in Jarbidge who are making money off public lands are doing it as guides, and the way they make money as guides is because people have good hunts, or they have good fishing. Any guide along any of the rivers that are protected around Yellowstone will tell you the amount of money *they're* making, and you can't *spit* in those rivers, because the trout fishermen and the guides would be so upset. So if they really want to make money in Jarbidge, they should protect that river from even themselves. The people who are there at the bed and breakfast said their season has gone down because of the stupid Shovel Brigade. They didn't say it that way, but we had rooms to rent. In the prime of season they should have had all those rooms rented. So they're not making money off of this; they're being used.

The people who are making money are the big ranchers, the big miners, the big cattle producers (I said that?), and the big loggers, and the big developers. Now, if you look at who the people are, who own any of the private property around there, who would like people to come to Jarbidge, I can guarantee you, it's not the young, little people in Jarbidge. How many ranchers have how much private land there? What would they like to do with the private land? What is their future? What are they looking for, for water rights? I don't know.

The contributions that go, you know . . . the NRA . . . I'm sounding like Hilary Clinton and the national conspiracy, and I'm hoping that's not what I'm alluding to, but it's a very reasonable thing, if you are in a multi-national mining cooperation, and you're saying, "What's costing us the most money?" It's access to public lands, the federal government regulations, they say. How do we get rid of the federal government regulations? Well, you can go lobby in Congress, and you can get to the western senate and the western congress people, but the way to do that, they don't want to be beholding to just the conglomerates, so they need to hear from their constituents. Somebody is spreading the rhetoric. It's all over the Internet.

Of course, in the case of mining the deposit's either there, or it's not. If you have a deposit of an ore in a wilderness area....

Sort of, and the thing is that this is not necessarily a wilderness issue, because the Jarbidge wilderness is already there. This has very little to do with the wilderness. It has more to do with the concept of wildness. A wilderness area without some of the wildlife is kind of pointless. But the Jarbidge wilderness is one of the oldest wildernesses in the country, as you know. If the people in the last thirty years have made money off of it, they wouldn't have made any more off of it, if it had been designated wilderness. So it's not really a wilderness issue. The deposit is either there, or it's not, but a lot of mining

takes place. It's paper mining. People sell and buy the lease rights, the potential that might be there. There might be something little there, or they just have the rights to own the land and see what's going to happen. I don't know, but I think the local people could not have thought that they were going to get ten thousand shovels there from across the country, and imagine that they could carry it out, without somebody who has a bigger agenda and a better idea how to organize that. Maybe they did. Maybe I'm not giving them enough credit, but I don't think so.

Is there anything we haven't covered that you feel needs to be added?

It seems to me that history is transformed by incidents, and the incident of Jarbidge is changing the history of not only the Sagebrush Rebellion, I think, which was on its way, but also of that particular area. More people saw it. More people know where it is. It's a beautiful area. At least two dozen of us are absolutely determined to try and save it, and the whole sagebrush country that it's a part of, and I suspect that it won't be the same people. But more of America is now realizing that the Sagebrush effort is going to protect the sagebrush country, which most of us never realized was a wild, working, connecting structure across state lines, and one of the things that a lot of the Rocky Mountains West has. So I kind of see the demise of the Sagebrush Rebellion, as I see the ascendancy of the sagebrush protection efforts. I wish I could think of some clever word like "Sagebrush Renewal" or "Re-wilding" or something. But I think that that was brought about in some part like a Greek tragedy by the good people of Jarbidge who believed that they were doing the right thing for their community and more of what they were trying to do. I really do believe that. The people who then became interested in it said, "Well, this is a really fantastic place; it has to be saved."

The reason that might be a Greek tragedy is because if it's saved the way that some of the other places in the West are saved, it means that within ten years they're going to be bull trout T-shirt shops, and Jarbidge shovel pizza parlors. It's going to be totally developed so that everything that all of us have loved about it at this point in time will change. If the people of that part of the world decide that's not what they want, and they sit back and decide that they have a unique place in history and a unique place on the map, and they can work both of these to their advantage, and that doesn't mean that they're going to get rich quick, it means that they're going to leave their children in a better place.

So that's how I see it, because there really were good people, and there were probably many more good people than there were people who were really malevolent. It may be the Great Old Broads just brings that out in people, but there were a lot of people who stopped by and congratulated us and said, "We're glad you're here," and "We need to hear another side," and those kinds of things. So I think that there are some good people there who are confused about this, and history will move forward, but too late to do anything about it.

CLIFF YOUNG

Susan Imswiler: I am talking to Nevada Supreme Court Justice Cliff Young about the Sagebrush Rebellion. First of all, what do you recall of the political atmosphere in the late 1970s in Nevada in general, and Elko County in particular?

Cliff Young: Well, in the late 1970s, a movement sometimes described as the Sagebrush Rebellion, which is probably just another chapter in the long-going dispute, seemed to surface again. I can remember the Nevada legislature in election 1967. I was interested in conservation, and I had served in Congress during 1953 through 1956. I ran for the U.S. Senate and was a little short on votes, so I came back and began practicing law again. I practiced law for a while. I was very much interested in the conservation problems that were surfacing, and I was on the board of the National Wildlife [Federation]. I think I'd been state president of the Nevada Chapter of the National Wildlife Federation. I'd been Chairman of the park board in Washoe County. Tom Cook, who is now dead, and I worked hard to create a Washoe County park commission, and we sold a bond issue for about a million dollars, which isn't much by today's standards, but it was fairly significant back in those days, and I think it was the beginning of a very successful county park program, probably the best in the state. I was always interested in conservation—wildlife, parks and that sort of thing—so when reapportionment loomed I decided I would run for the state senate, and see if I couldn't further achieve some of the goals I had from a conservation standpoint.

How did the reapportionment issue influence your decision to run?

Well, before, I think, Washoe had one state senator. In reapportionment, we obtained, I think, five, or maybe it was six, and it gave a chance to really do something. Before, I might go over to the legislature as a witness or as a spokesman for a certain point of view, but that isn't nearly as effective as being able to vote on measures, and so I played an active role in a five-million-dollar bond issue with the state park system, and pursued a number of other important conservation goals. One measure that always intrigued me was to require subdividers to donate a portion of land for parks and recreation whenever they had a subdivision approved. It passed and has been a very successful law. It's been watered down markedly since those days, but it's been an important contribution.

When I was in the legislature the cowboys . . . I don't use that term derogatorily, just a general term I've used over the years to indicate those who are interested in representing grazing interests in the interest of stockmen. Cowboys, then, were people like Norm Glaser, who was state senator, a very fine individual. Dean Rhoads was in the assembly; later, he became a senator. Both of those individuals were stockmen, and they were sincerely concerned about the use of resources, although their definition of use might differ somewhat from my own. If I'd had some cows and had been grazing them, I probably would have thought just like they did. I came from a ranching background in Lovelock, but we didn't have the cattle, the open vistas that they have up in Elko. Elko was great cow country.

I recall a story, I think I read it in *Life* magazine, after I came back from World War II, which indicated that Elko had one of the highest per capita incomes in the United States, because of the thriving livestock industry. Of course, those days have changed, and the cattle-raising industry has fallen upon the evil days, or at least they're not as profitable as they once were.

In point of the fact, there's a certain romance to raising cows. Things aren't like they used to be, but then they probably never were, anyway. The cattle raised on western ranges was about two percent of the cattle nationally. You take Florida, for example, they raise far more cows than we do in Nevada, or probably a number of western states, because they have more food down there for them. They've got good rainfall and available land; they feed all year round.

Nevada is not that way. We have a lot of land, about seventy million acres, I think, in the state, forty-nine million acres or thereabouts under the BLM, but in Nevada you can't graze all year round. In southern Nevada you probably can, but there isn't much food down there, anyway. As George Malone, a senator, used to say, in Nevada and many places, a cow needs roller skates to get around, to get enough food to survive in a year, so in northern Nevada, the cows are probably permitted on the federal land in, maybe, March or April, and they're taken off in October, so you have a period of time in there, if they don't go to market, when they have to be fed, and so that limits the productivity and also makes us very dependent upon the rainfall and the available resources.

The stockmen, over the years, have badly abused Nevada's ranges. Take, for example, the cheatgrass fires this year. You recall those? I think about a million and a half acres were burned. Cheatgrass is not a native grass. It's a foreign grass that came in, and there are other native grasses that have been displaced by foreign plants that have come in.

Was the cheatgrass brought in specifically for cattle, or was it for other purposes?

Oh, no, it was probably brought in accidentally, and not by the current generation, or, perhaps, not even by their ancestors; it probably came in in the later part of the nineteenth century. Sheep bands were brought down, I think, from Oregon, and maybe cattle. They probably carried some cheatgrass. Who knows what happens? I'm merely speculating on what I've read, but the cheatgrass came in and spread throughout the state, and every year now we have these tremendous cheatgrass fires. Is cheatgrass food for livestock? Yes it is to some extent, if you get it early. It grows early, it doesn't have any big root system, and along about June, July it starts to die and turns yellow. You look around Reno in the spring here, and you look up in the hills, and everything is green, and you'll say, "What's the matter with those environmentalists who talk about overgrazing? Look at the grass up there."

The grass is really cheatgrass, to a large extent, and then about July it starts to turn and becomes a fire hazard, and a few years back we had one of these cheatgrass fires, brush fires, that resulted, I think, in

a number of people being killed, if I am not mistaken, because when the wind comes, it spreads rapidly. It's very, very inflammable.

It has some good points. For example, we've got a great chukar population in good years, and chukars seem to thrive on cheatgrass seeds, but chukars are entertaining to a limited number of hunters who can get out and hike the hills. I used to; I don't anymore, so perhaps I am not as sympathetic to chukars as I used to be. But the damage that the cheatgrass fires do is unbelievable, because it burns not only the cheatgrass, but the native species—the junipers, the sagebrush, the rabbit brush—and cheatgrass has a way of reseeding itself very quickly and will come out again the following year, and you'll see these beautiful stands of cheatgrass with the wind, maybe, gently blowing them. You'll say, "What's the matter with those environmentalists? They've got to be crazy! Look at the fine stand of grass out there."

But as I've indicated to you that it has some real problems. Halogeton is another plant that was imported. It's poisonous. You'll see that along the roads probably caused by droppings from cattle trucks that are moving them in or about the state. Around this time of year or a little earlier, you'll see red plants. Leaves turn red along the borrow pits, and that's halogeton.

That's almost kind of spiky?

Tall, yes, and it's spreading. Certain time of the year, it produces a poison and will kill sheep if it gets into their kidneys or something, and it's very difficult to eradicate. I remember, oh, thirty years ago, forty years ago, when Pat McCarran was in the Senate reading. They were going to appropriate fifty thousand dollars to eradicate halogeton. Well, that was wishful thinking that they would ever appropriate, but if they did it was probably a waste of money. You can go out and see halogeton now. It doesn't spread, though, quite to the extent the cheatgrass does. I think there are some other plants that are imports, too. That was caused largely by over-grazing on our lands and abuse of the lands back in the nineteenth century before people were even aware that there was this sort of problem.

Elko County has been a great producer of livestock, but before we had the Taylor Grazing Act, there were livestock bands that would just roam; there was no set area. I've heard—I don't know whether it's true or not—there were as many as six hundred thousand sheep that ranged in northern Nevada, and they didn't have assigned areas, but they moved like grasshoppers across the land eating everything in the way. [laughter]

Gradually, the Taylor Grazing Act come along in the 1930s [1934] and established, to some extent, grazing areas, and that created feuds between the sheepmen and the cattlemen. The cattlemen didn't particularly like the sheep growers. And then you had another problem with the mustangs that came along. They were not officially controlled, although there were mustangers who went out and rounded them up and took them off to the slaughter house, and that created Wild Horse Annie and a whole new group of problems, and they still exist today. They compete with the cattlemen and their grazing rights, and mustangs are out there all year round. They don't come off the range in October.

Stockmen see their grazing potential being reduced by the mustangs, and naturally, they react to that, generally, in a not very favorable way for the mustangs, but a lot of people like mustangs. I like to go out on the range and see mustangs. There's a certain romance to them, but they also create problems if they're not controlled. You can hear people talk about what happens when mustangs overrun an area. They graze the grass down; they damage the sources of water when we don't have too much water, anyway. There are all sorts of problems that are presented from an environmental standpoint, and this sort of intrigued me.

I've hunted and fished ever since I was a kid. We had ranches on both sides of my family. My grandparents on both sides came up to Lovelock about one hundred and twenty years ago, and we've had ranching property up there ever since, but not big ranches. We had some grazing, but I think my uncle didn't pursue that, and we lost those rights. But I've had an interest in this, and I've also wanted to see the land preserved and kept productive. I've seen a downward trend, even during my lifetime, and from what I've read, the trends started, probably, in the later part of the nineteenth century because the philosophy then was, "Use it up. Search for more land. Don't worry about the future." But we can no longer do that.

Were there any hints to you in 1970s that the problems in Elko County might be a little bit different from just the usual flapping against the feds?

Oh, I'm not sure they are really much different now than they were. I think the cowboys—and again, I use that generically—are much weaker now than they were. Reapportionment hurt them, because before reapportionment you had seventeen state senators, and most of them were from the rural areas. They may not have been able to pass everything, because you needed the assembly in a bicameral system, but they could sure kill anything. The U.S. Representatives also tended to be influenced by the cattlemen's lobby—McCarran, Malone, and their predecessors—because the cattlemen were a big source of support and publicity, and there's always been a certain appeal and romance to the cowboy and the tradition—fighting the elements and all that sort of thing, but cowboys then and even now were probably not what they purport to be in the public image.

I had some other relatives down out of Tonopah, who had a sizeable ranch, the Reeds, and I think their range extended east of Tonopah maybe forty by fifty miles, but what happened to them is typical of what's happened to many of the people in livestock. They got overextended, and during the Depression, the days before World War II, they just couldn't make it, so they walked off the ranch. I think they shipped some cattle on a train. I think the train went down to Tonopah in those days, and I don't think they got money enough to pay the freight bill, so they just walked off and left it. Then Casey picked it up, I think, during World War II; he flew over it. There were a lot of cows that had been left out there by the Reeds, and they had proliferated. The story I heard . . . and it's subject to checking, as probably all stories about cowboys and the range are subject to review, but not too critically, because we don't want to destroy these legends. You want to read about the romance of the cowboy. Casey supposedly flew over this land and counted the cows, and figured this isn't a bad deal. I think the bank had it, and they wanted to get rid of it. So he made a bid, gave a post-dated check; his bid was accepted, and according to the rumor, he rounded up the cows and sold them and got enough money to cover the check, and then Casey was in business, and Casey died this last year, but he was a character on his own.

What was his first name?

John Casey. He owned property up by Washoe Lake near Bowers Mansion. He owned the Winters house, and he owned Smoke Creek up north of Gerlach, a beautiful ranch, but he let that go to hell. They let the water run through and cut a big ditch through the land. He made a lot of money on some land up in Montana in a ranch up there. But he abused the land, overgrazed it, and finally, I think, Bureau of Land Management would not let him lease. One year he left a lot of cows out in the cold, and they died. But he was a product of the West and a tough guy. I'd like to say a gentle sort of guy. I only met him once and didn't have a chance to talk to him. But that's sort of been story of the West. You've got

these peaks and valleys, and you don't find too many of the old-timers who have survived with big ranches. There's been a constant turnover.

They've had some enterprising men, like Bill Wright, who was an Ivy League-trained man who had a big ranch up in Elko County. Bill was very active in the Republican Party; he was a candidate once for the U.S. Senate, and he lost, but Bill was a very able guy. Somebody like Bill might have survived, but the big ranches and big spreads all seem to come and go. It hasn't been a way to build fortunes, as in mining or real estate. It's been too dependent upon the weather. In 1889 you had a big, tough winter. I think a lot of the stockmen were practically wiped out; and we had the drought, for example, in the 1930s.

One of the more successful sheepmen in the state was John G. Taylor. John G. was a great story—Horatio Alger type—who came over, I think, from Scotland, started with nothing, and according to Clel Georgetta, he was the biggest single livestock owner in the state—mostly in sheep. But he was wiped out, I think, practically, in 1889, started over, and a hard-worker. A lot of stories about John G. The reason I am somewhat familiar with him is he ended up in Lovelock, and my sister was good friends with his youngest daughter, but John G. would be a worthwhile character for a biography on his own. I don't think much has been written on John G. Taylor, but he was badly hit by the Depression in the 1930s. I think he might have gone into bankruptcy, and about the time World War II started, he was in his eighties but he didn't get a bottle of Geritol and go in an old cabin some place and ruminate about by gone days—he started out again. He finally died. I think his estate was worth about a hundred thousand, and that was old John G.'s individual efforts and perseverance. If he had lived for another twenty years, I'm sure he'd have been back a wealthy man.

But it's been a tough area to make a living, and I'm sure it's a good life for the stockmen who are out on the range riding in the open, but prices are tough for them; they are dependent upon the market; they are dependent upon the rain; and Nevada is not a friendly environment to raise livestock. We're the driest state. We've had in the past not only periodic droughts, but also depressions, and despite the lure of life on the range and being a Marlboro man and that sort of thing, there have been real problems to raising livestock and farming.

I know in Lovelock not too many of the young people who grew up there decided to go into farming. I know in my family we all went into something else, and the other families all went into something else. I don't know if Lovelock—hardly any old-time families are still up there. And I presume the same is probably true up in Elko and elsewhere. There have just been so many more areas where you can make a better living than you can out raising cows or raising sheep, and then you had the feuds between the sheepmen and the cattlemen.

Before reapportionment the cowboys were very strong in the Nevada legislature, and even when I was over there, you had some outstanding legislators, Norm Glaser in the senate, Dean Rhoads in the assembly and now in the Senate, John Carpenter has sort of taken over part of that leadership role, as witnessed [by] the recent cowboy rebellion up in the Jarbidge area. There's something that appeals to the media of this contest between the evil federal government and the poor cowboy out trying to make a living; not only the elements, but these dry-gulchers from D.C., as Norm used to call them. [laughter]

How did you become the spokesman for wise use?

Well, it just happened. I was active in parks and wise use of our land, and I was on the park commission here in Washoe County, but when I was elected to the Senate, I thought there might be a conflict, so I resigned. I was on the board of the National Wildlife and president of Nevada Wildlife

Federation. When I was in Congress, I used to spend all my time, in between sessions, out in Nevada. That's where the votes were. But I was interested in the land and wise use of the resources, and took a leading role there. I used to travel out with Forest Service people up in the Jarbidge area, and we'd take a horseback trip up there with the BLM people, very close to Fish and Game people. If I saw a good park in the West, I became familiar with the problems.

I remember Bob Rowen, supervisor of the Humboldt National Forest, taking me on horseback trip up in the Jarbidge area, and pointing out areas he said that were damaged probably a hundred years ago by overgrazing, and the evidence was still there. That's how long-lasting the impact can be of overgrazing, because we are not a lush land, and Jarbidge is certainly one of the better areas for rainfall. Jarbidge is a delightful area. Elko has got some beautiful areas, but there's been that conflict. The cowboys have been very effective in pointing out how important their industry is, and how the bad bureaucrats back in Washington are inflicting all this damage.

There has been a perception that the West is ruled by these evil bureaucrats back in Washington D.C. who don't know anything about the West. In point of fact, I think, the overwhelming number of people who work for BLM and Forest Service are western born—they grew up in the West, attended college here. Sure, they may have worked elsewhere in the country, but this is not new land to them. They have a different perspective, because they are not raising cows and selling them on the market. Their concern is a broader obligation to the public at large. Actually in the long run the big future of the public lands is for recreation, not for raising cows.

The cattle industry is a small part of the total income in Nevada. You take one big club in Vegas; it brings in more money than, probably, the whole livestock industry does in Nevada, but there is a romance to the cowboys and the cowgirls. People like to go to rodeos. A lot of the rodeo performers probably have never chased a cow on the range. They're superb athletes who found a way to make a living in a sport they like, and they make the most of it.

Well, the fact is that cattle raising is going down in importance, and they lost their political support in the legislature. Legislators like Norm and Dean Rhoads are very popular. John Carpenter is a nice guy. I don't think he has the personality of either Dean, or Norm Glaser, but he represents that viewpoint, and recently in the Jarbidge River, he played a prominent role. But I think they, probably, overstepped their bounds a little bit there. All I know is what I read in the paper, but Gloria Flora resigned, and she apparently had some real concerns, and there's, again, newspaper reports that there have been, what—fifteen misdemeanors and twenty felonies that allegedly occurred, and nobody has been prosecuted? The U.S. Attorney has done nothing. I see in the paper this morning that our congressman has said, "Well, the Justice Department should have done this. What is the proof?" and so forth.

It's a good counter attack, but I think the evidence right now, if you can believe what you read in the paper, tends more to support the Forest Service and the government employees. We've had problems here in the past. I don't know if you recall, about the bombings over in Carson City and one, I think, here in Reno, or several in Carson City. They finally moved on that man, who had a wife and three daughters, I think. Guy Pence.

I've been out on horseback trips with Guy, and he's just a great guy. He had two of his daughters on one of them. I think when he started out down in Tonopah, he used to go out. He'd even carry the babies in a pack saddle or something. That's how much he loved the range. He's a great family man. His wife was a school teacher, I think, but they finally were moved out just for . . .

Now, did that happen? There's no proof that it was done by livestock people. It might have been somebody else, but we had the same problems up in Elko, I think. They tried to build what was a

diversion ditch or something. I think that might have been blown up. Recently they were trying to restore a mile and a half road along the Jarbidge River. I've been through a lot of that country, and I don't think I've seen that particular area. I don't know that they need that mile and a half. There are vast areas up there that aren't used at all, but it's become sort of a focal point, and there's certain people who make a living out of this sort of approach that, I'm sure, are fomenting this. What will happen remains to be seen. Maybe the feds will come in and examine . . . I see Helen Chenoweth, the congresswoman who married Wayne Hage, who's a firebrand in this area, had a hearing up in Elko, and I don't know what they determined by the hearing. It was good for some publicity, anyway. What Congresswoman Chenoweth is going to do, I don't know. I think she's not running again, is she?

The last I heard, she was elected last year, and I think that's her second term. She's talking about a two term limit for herself.

Well, maybe she's changed her mind. I read once where she wasn't going to run, but she'll get plenty of advice from Wayne Hage, who has his own problems. He's suing back in Washington. Apparently he's ahead right now, but this is only a preliminary stage.

Do you think it's a coincidence that he published his Storm Over Rangelands in 1989, and 1991 was when he had all his cows confiscated and pulled by the Forest Service, two years after he published the book?

Oh, I don't think so. I don't think the book had any great impact anyway. If you hadn't been interested in this field, you wouldn't even know it was published. There haven't been any movies on it, and he hasn't been on the lecture circuit that I know of. Maybe he spoke in certain local groups, but no, I don't think that made a major impact at all. He ran cattle in the same area as some of my relatives.

Yes, Monitor Valley.

Yes, in that area years ago.

How much, do you think, the success of the environmental movement in the late 1970s may have caused the backlash in Elko?

Oh, I don't think it did, because the environmental movement rose in response to earlier moves by the stockmen. When McCarran was there, and Malone, the stockmen were very powerful nationally, and they were also powerful locally. McCarran almost wiped out the Bureau of Land Management on his own. He was that powerful—very able man. I liked Pat McCarran. I was elected to the House when he was still a senator, and he always treated me well. I stayed out of his way, I'll tell you. He was an extremely able man. He's the only Nevadan who is honored by having a statue in Statuary Hall in the nation's capital. But he catered to the support of the stockmen, even in Washoe County here, in disputes with the Indians. Pat was always on the side of the ranchers, and generally, when Pat was on your side, you had a good chance of winning, or at least not losing.

This thing has been coming. It takes a while in our form of government for these things to eventuate, and the cattlemen are, to some extent, almost like the blacksmith shop was a hundred years

ago. With the advent of the car, blacksmiths shops, necessary for horses and so forth, gradually tended to disappear, and in Nevada, the stockmen played a major role in Nevada history. Some of our governors were in the cattle industry.

A tremendous number of legislators.

And a number of legislators, right. They were good legislators, but Nevada's had a peculiar history. We got into the union, and we didn't have, really, enough people to justify becoming state, but I think President Lincoln wanted to have a little insurance, his own political well-being. We became a state, and we had some very exciting days with the Comstock Lode and Tonopah and Goldfield, but the Comstock Lode waned, and I think our population was down to what—sixty or seventy thousand after the Virginia City heyday? It probably came up a little with other developments, small mining camps, but we didn't start to really gain much population until after 1930. I think our census was about one hundred and sixty, and you can't believe what's happening now. I think Vegas has probably a million two, and the state, they have what—close to a million seven or eight right now?

That article I gave you [“‘Wise Use’ of Nevada Lands,” *Nevada Government Today* (Fall, 1978): 6-7, 27.] I wrote in the 1970s spoke optimistically about how by the year 2020 we would have, probably, a million five hundred thousand people in the state of Nevada. We've greatly exceeded that, and it's not even in the year 2000. Water is our limiting resource, and probably we're fortunate we don't have more water—we'd have more people. The more people, we'd have more problems, and a lot of those would be resource problems. I say that somewhat cynically. Mining is an industry that's characterized by peaks and valleys. Elko is suffering right now. They've had dramatic decline in the number of miners who are gainfully employed. The livestock industry is not a big industry. If you read the headlines and the newspaper publicity, you'd think it was the driving economic force in Nevada, in the West, in the world, but that simply isn't true.

Do you think there is any link between Nevada's only having thirteen percent of the land as a property tax base, and the fact that the state of Nevada has also been host to industries no one else wanted, for examples: divorce, gaming, nuclear waste?

Oh, I'm sure there's some link there, but you have to play the hands that are dealt. There's Mead Dixon's book on gaming; it's titled, *Some Advantages to Not Having A Lot of Water and Resources*. We are a heavily mineralized state, but even gold goes up and down, perhaps influenced by international markets and marketeers and financiers. We've always claimed that in Nevada. Tungsten was a big product at one time. I think our tungsten deposits are among the greatest in the world. One of the biggest deposits, I think, is north of Lovelock in the old tungsten mine up there, but we can't compete with tungsten produced, say, in China and elsewhere.

There are major problems right now in the trade organization. I see there are marches and demonstrations up in Washington. It touches the same sort of thing. We've got plenty of tungsten, but we can't compete, and I'm sure some of the big international companies, many of which are probably headquartered in New York, want to see China develop something that can be used to purchase goods that are manufactured in the United States, and we've got other examples the same way. McDonald's, I think, buys a lot of beef, don't they, from Argentina and elsewhere? So Nevada is a small player in this international game, and that seems to be the way we are going and we have gone many times in the past.

Do you think the inability of Nevada to compete, for example, with China's tungsten, has more to do with the cost of labor or with the increased number of regulations based in the United States?

Oh, probably both. We can't compete with the cheap labor abroad in many fields, textiles and so forth, and there are safety regulations here, and we know in foreign countries that they could care less about the masses. Mexico has real problems. Mexico City has, what, twenty million people—the biggest city in the world. We can't compete with Mexican labor with our minimum wage and that sort of thing. I don't know what the answer is going to be there. Maybe we ought to let them sell enough drugs up here, they can make up for it?

Do you think privatization is an answer for states like Nevada, where the vast majority of the land is owned by the federal government?

Well that's a myth that circulated. We couldn't afford to own this land and take care of it. I used to kid the cowboys and joke when I would talk to them, but it reminded me of a story of a little country after World War II that was having economic problems, and they had a meeting of their leaders, and one of them said, "Well, let's declare war on the United States, and they'll beat us, and then they'll send over all sorts of foreign aid."

One grizzled old veteran said, "That's fine, but what would happen if we would beat them?"

That's sort of the story about the Sagebrush Rebellion. What would happen if the land was turned over to the state? We simply could not manage it. That article of mine details some of the figures. It's about twenty-five years old, so it would have to be updated, but the land hasn't even been surveyed to a large extent in Nevada. It would cost probably twenty or thirty million dollars to survey it. We don't make any money on grazing.

Take, for example, the Forest Service. Last figures I had, we took in about four hundred thousand dollars on fees of various types, but spent ten times that amount paying for the Forest Service employees. In the Bureau of Land Management, we take in grazing about five million a year, but we spend twenty-five million administering the public lands. Take, for example, the fires this year. Did the state of Nevada spend very much money on fire suppression? I don't think they spent very much. They probably furnished some prisoners and paid them, but that was a drop in the bucket. The big planes you saw flying over, and the helicopters—they weren't paid for by the state of Nevada. The reseeding that's going on—is Nevada paying for that reseeding? I don't think we are putting out a penny; that's all federal. Take land—we get money in lieu of taxes from the federal government. Highways—we've got a great highway system, and we get a lot of that money from that fact that eighty-seven percent, or eighty-six percent of our land is federally owned. That's built into the formula.

So you would say that the payment in lieu of taxes more than makes up for the lack of a property tax?

Well, not alone, but if that land were suddenly turned over to Nevada today, we would go broke trying to manage it. What would happen? We would sell the land. Who would buy it? Big corporations would buy it. We'd even have foreign corporations coming in and buying it. That's cheaper than fighting for it, anyway. Maybe Russian corporations could even buy it or dominate it. They would get the land, and supposing they bought a lot of this land . . .

With the population of the world increasing by what—about two hundred thousand a day? Age is cutting down a little on that, but I think there are about two hundred and fifty thousand new people every day on earth. And probably, what—seventy or eighty thousand die? We're helping it out a little bit in Kosovo and elsewhere in the world. But that's six billion people in the world right now, and will be ten billion, they say, in another, what, thirty or forty years?

Some environmentalists say that the resources of the Earth cannot support indefinitely more than two billion people. So we are already in excess of that. Our oil supplies are being depleted. Oh, we'll discover new oil off Formosa and out in the ocean, but it's limited, and we are going to run short sometime. Of course, the price of gasoline—what now, a dollar sixty or seventy cents a gallon? Of course the oil companies are not going to suffer as long as there's supply. They've got a captive audience; they are going to get what they need, but there are just limitations on resources, and you can't blink your eyes to that, that we've got six billion people now, and the great international conservationists and leaders . . . some put the limit of maximum population at a billion, some two billion. I don't know of any of them that go as far as three or four billion. And we're heading towards ten billion in probably another thirty or forty years. Then, the cows will be worth more money. We can't get them all out of Argentina then or elsewhere, but there are real serious problems on use of our resources, and that's why I titled that article, "The Wise Use of Our Resources." And, we are simply not using them wisely at the present time.

What would you consider the wise use of Nevada resources?

That's a tough question. It's easier to criticize than come up with something constructive, but I think we have to look long range and see how many people we can expect to have in Nevada. We are limited to some extent by water. We've got nearly a million seven now. Vegas is running short; they're still getting some water out of the Colorado River. Arizona apparently has a surplus. I think we are borrowing, aren't we, to some extent? We had three hundred thousand acre feet by the original allocation. Of course, when that occurred the state probably only had a hundred and sixty thousand folks. California was small. California now has what—thirty-two or thirty-four million? People will continue to go there until that earthquake drops off the western part of California into the Pacific Ocean. [laughter]

We are going to have a population problem there. I think we've got to recognize that recreation is going to be the big use of our public lands—our tourism and our local folks. I don't know that we can continue to subsidize the livestock like we have been. They are subsidized; nobody will fight more vigorously to deny that. They provide the fences and the posts, but they are subsidized. Cheatgrass is on the range. Who pays for that? They don't pay for it. You pay for it, and I pay for it, and the federal government pays for it. There are reseeding programs; they are talking about reseeding. You read about reseeding in the paper and wanting to get seeds planted to some extent this fall, so to take advantage of the fall rains and snow.

There was talk about something else other than cheatgrass in the reseeding article.

Yes, crested wheat. Some people argue about that. We have used crested wheat for quite a while. I've been up on ranges and had cowboys and several conservation people say, "This is great, this crested wheat." I've always thought it was great, as a result of that sales talk, but publicity recently by some environmentalist, some professor . . . and some of them about half crazy, too. You can't accept erring university employees. No, I'm just kidding. They all have theories, and this fellow came out quite strong,

as I recall, recently, and said in an article that crested wheat is bad. Well, I don't know. For years, I've heard it was good. It's a hell of a lot better than cheatgrass, I know that.

Would you consider yourself an environmentalist?

Well, that's an odd term. In a favorable sense, yes. In the sense of the cowboys, probably, no. For example, I think mustangs ought to be controlled. I think they ought to harvest them and up-breed a species.

In that sense you'd fall in the same camp, then, as the cowboys?

Well, some of the cowboys would wipe them out altogether, and I think they have a certain charm. I like to go out and see them on the range, but I don't like to see them starving. I don't like to see them damaging the range, because it takes a long time for the range to come back in Nevada. This isn't Florida or North Carolina, where you've got adequate rainfall. But when the range is damaged here, as I indicate to you . . . the sheep overgrazed it, and I have to take the word of this Forest Service supervisor who said, "You can see the damage a hundred years later; it hasn't been cured yet." Then, the weeds come in, like the cheatgrass and so forth, and that's tough to wipe out. Halogeton is tough to wipe out.

So, I am, I suppose, an environmentalist in some ways, but again, it is the wise use of our resources. I don't believe you lock them up. The National Wildlife Federation at one time had four and a half million members. It's sort of gone downhill, but they believe in the wise use of resources: harvesting deer, harvesting chukars, harvesting ducks, and also working to provide more water—ponds and marshes. It all depends on what you mean by "environmentalist." I played the leading role in establishing parks in the state of Nevada. That was probably one of the reasons I got into politics in the first place.

When I was in Congress, I was on the park committee. I used to travel—we used to drive then; we didn't fly all the time as they do now—and come out every week. But when I go across the country, I generally go from park to park, and visit the national parks, because I just like the atmosphere. I thought the park people were probably the finest of the federal employees. They're an elite group. As far as I was concerned, they were probably in the National Park Service, or dedicated to that. Of course, they didn't have enough people trying to bomb their office, either, or writing their congressman about a range reduction allotment and that sort of thing.

I can see the recreational and tourist use of a place like Jarbidge—it's beautiful. What about some of these places where ranchers are ranching out in the middle of nowhere? It's inaccessible, it's dry. Is there a practical way to use that for tourism or recreation?

Oh, I don't know about Monitor Valley or Black Rock Desert. It has a charm. But what would you do if you turned it over to somebody? I'm sure some large corporation would say, "Hell, yes, we'll give you ten dollars an acre for that." Then, they'd get it and lock it up.

There are ranching operations in places where I don't see personally, just from looking at them, how you could establish tourism or recreation.

Oh, I'm not saying you can in every place in the state, but we've got some areas that lend themselves nicely to that. Ruby Mountains are beautiful. Jarbidge has a beauty. The Black Rock Desert, really, has some charm. Twenty-thousand nuts go up there every year and burn things down. Gerlach is kind of a charming little town. No, I'm not saying that they're all bad, but you can't make a national park or a state park out of all of them, but on the other hand, I'm not sure we should subsidize a bunch of people who like to ride horses to raise cows up there. If they can make it on their own, fine.

So, if you don't have any ranching operations up there and if there was no practical hope for recreation, what would you do with the land?

Well, you always find recreational uses. There's sightseeing, maybe, mustangs, if the cowboys couldn't make it. How do you justify, really, subsidizing the cowboys, when you can get meat cheaper, probably, from some other source? Now, as the population goes up from six billion to seven billion to eight billion, now maybe these areas which aren't economically sustainable now will become economical.

Beverly Harrell; are you familiar with that name? Beverly is probably the best known prostitute in the state of Nevada since the days of the Comstock Lode. Beverly ran for the assembly in Nye County when I was in the senate, and she won the Democratic primary. Her message was, "Get the federal government off our back," which I thought was a strange simile or illustration for a prostitute. She was a madam, a very charming lady.

I met her once, not in her profession, but at a wedding reception. Charming lady. She came from L.A., but she'd been hassled down there for her method of making a living so she decided to move to Nevada. She opened up a place down south of Tonopah, and I think she was on federal land. She had some sort of a five-acre lease. They hassled her because of the publicity of running a house down there, so she had to move to some private land. That aroused Beverly's ire, and she launched a crusade against these bureaucrats, joining the cowboys.

Her own little Sagebrush Rebellion, right?

Her own little Sagebrush Rebellion. And she won the primary—heavy Democratic county—and she damn near won the general. I'm sure a lot of Democrats had to hold their noses when they voted for a Republican. She wasn't defeated too strongly, but she was a charming lady. She would talk to lecture groups, I understand, down in Vegas. And she was a painter. I got one of her paintings after her death. I've got it in my office over there. She's a pretty good painter.

I have often wondered what would have happened, in my imagination, if Beverly had won and been elected to the Nevada assembly. I used to kid sometimes in speeches that if she were elected and went up the scale of seniority till she became chairman of a committee, would it have been inappropriate to have addressed her as, "Madame Chairman"? Nothing in Robert's Rules of Order or parliamentary law about that.

I met her at a wedding reception—Patty Ogren. Carol [her husband] used to be head of the Washoe Med and died this last year. Patty was a pretty good friend of Beverly's. I knew her husband well, and I told Patty I wanted to get one of Beverly's pictures. Her surviving husband, I think, had about ten of them at Patty's place and let me have a choice. I chose one which, as I say, will never compete with Renoir or Michelangelo, but it's pretty well done. And of course, most people today wouldn't know Beverly Harrell from Jet Young, here, my dog. But it's kind of a cute story, and it reflects to some extent

the Nevada attitude toward the feds. I say Nevada; it's a small segment of Nevada, maybe Nevada fifty years ago, but when you got a million two hundred thousand people in Vegas, most of them could care less about the Sagebrush Rebellion or cheatgrass or anything else. They're interested in making a living, having a good time, or water skiing in Lake Mead.

In Reno there's not a great concern about the Sagebrush Rebellion. Up in Elko there is, maybe some of the cow counties. In Elko you've got Steningers who have the paper up there, and they're rabid. I think they have a lousy paper, too. Of course, they've never been on my side, for obvious reasons. But I remember the old man. He attended the hearing on the Sagebrush Rebellion in Carson City. And there was a miner who had done reasonably well in mining up in Battle Mountain. He felt strongly on the Sagebrush Rebellion, so he rented some buses and hauled people down to the hearing in Carson City.

I was up in another committee, didn't want to spend my time down there, but I had work to do, so I asked them to send for me when it was time to make my presentation. So they did, and I went down, and God, the big hearing room was packed with glowering faces, and they weren't anxiously awaiting my appearance, I can assure you. I was in there, and I had sort of a tongue-in-cheek approach. I was kidding them and pointing out how ridiculous it was that the worst thing in the world that could happen to us is if they won the right to have all that federal land. It would bankrupt the state! It would drive the cowboys out of business. They couldn't afford to pay six or seven dollars an AUM, instead of a \$1.30 an animal unit a month. [It would] actually break them. We couldn't afford to fight the cheatgrass fires with the big tankers and the helicopters. It's ridiculous to even think that the state with our limited resources and highly dependent on gaming . . . if anything they would help the gaming. How would you put a state through bankruptcy? I don't know, but we could find out. Here we want to take on the challenge of running the public lands and Nevada has the worst record of any state—the way we handle our public lands.

I remember talking to Charlie Russell, who was governor when I was in Congress, and Charlie had been in Congress before. He said it was the rape of the state of Nevada, what happened to our public lands. They're sold to special interest legislators for \$1.25 an acre. In one or two cases, I think, the state turned around later and bought it back for fifteen hundred an acre. It may have been worth fifty thousand an acre now, but that's the sort of record we had for administering state lands. I was familiar with that, and I was strongly opposed to turning that land over to the state. It would have been a disaster.

But anyway, back to the hearing. I was sort of kidding about that sort of thing. I think I told that story about the small country that is going to declare war, and I said, "What would happen if we won?" And I asked them what would happen if we'd won. Well, I probably went on too long . . . and not with a very respectful attitude. Some old lady got up in the back. She had a crutch, I think, and she pointed that crutch at me, and I wasn't sure if it was a gun or something else.

She said, "Either let's shoot the son of a bitch, or we ought to hang the son of a bitch. You don't want to listen to him." Fortunately, it wasn't a gun. So I decided that, perhaps, I'd better conclude my remarks and get out of there. I wasn't saving any souls or doing any good except inflaming people who were miners or mine sympathizers and cowboys or cowboy sympathizers.

The Sagebrush Rebellion bill passed overwhelmingly. I think there was one vote against it in the assembly. His wife worked for the BLM. I think there were two or three of us in the senate. I think Mary Gojack may have voted against it, if she was there. You know Mary? She was a delightful person. And somebody else . . . A lot of them knew it was a silly bill, but they figured, "What the hell? Why get out there and take all this flack? It's not going anywhere, anyway." And it didn't. It passed in Arizona, I

think, Utah, got nowhere in California, and it came apart elsewhere, because it was just too silly an idea to turn the land over to the western states, all of whom wanted it.

That's like asking a kid if he'd vote on whether or not he ought to get a box of candy. Of course, the special interest groups are going to say, "Yes. We want that. We can do a better job than the federal government. Those dry gulchers in D.C.—they can't handle it. They're all Easterners. What do they know about the West?" And they feed on that. It's kind of a feeding frenzy. The ones who are leading the pack today are the politicians. Are you familiar with Dick Carver down in...?

Yes.

Dick made a lot of headlines and noise at one time, but he was the cowboys' savior. He was being interviewed on national TV, I think, and as I recall, he pulled out a dollar bill and said, "They're probably listening to us now."

"And what do you mean?"

"Well, there are metal fibers in these bills, and they can listen."

Shortly after that, he didn't get much publicity. I mean, he just wasn't with it. Sure, he had a popular viewpoint, going to take the bulldozer and push the road through some place. What could be better than that? County commissioner fighting against this bloated bureaucracy. Dick was doing well till he made that silly statement about the fibers in the currency. Frankly, I'm surprised that John Carpenter in Elko got involved in this. I know some of the other people, and I don't have too high an estimate of their IQ or their sensibilities, but John's been a pretty good legislator. But I'm sure he didn't lose any ground with the people who have the *Elko Daily Free Press*, the Steningers. This is great stuff. I haven't read it, but I visualize him saying that.

Then, the county took after the Fish and Game people a couple years ago. Good people; and they accused them of wrongdoing and so forth. The judge up there found them responsible. It was complete nonsense. They appealed to our court, and we turned it around.

I don't know whether these people, the public employees, had to hire their own attorneys or not, or the AG [attorney general] . . . I think AG may have represented them. But of course, the cowboys and the commissioners, who are voted for by cowboys and their relatives—it didn't cost them anything. It was great publicity. They're out fighting against the damn Fish and Game, who have all these regulations that infringe upon us patriotic, red-blooded Americans who are up here battling the elements. I was a little surprised at the district court judge, but, on the other hand, I recognize that he runs for office, and it's safer to find the damn Fish and Game people liable for whatever they supposedly did. But it was just complete nonsense, and I think this thing on the Jarbidge River and the bull trout is complete nonsense. What the hell do they need a road through there for? Are there campgrounds? The paper said something about campgrounds. I'm not familiar with any campgrounds up there, but there might be. No state park. I don't think there's any federal park. There's plenty of areas to camp and go. But this was a cause, and it's something they could rally around.

Gloria Flora, who they tell me is a very charming lady—I've never met her—she's going to speak tomorrow, I think, at the Nevada Conservation Forum. I was going to Carson tomorrow, but I got plenty of stuff to read here, and I think I'll take off. Whether she's competent or not, I don't know. I presume she probably is. I think some of the ablest public servants I've seen have been Forest Service people. She replaced a very able guy who got into a fight with the cowboys, and I think they said things about him that were . . . and Wayne Hage was part of that group. I think Jim Nelson said, "To hell with it." He's

retired and lives in Sparks now. Jim is, I think, probably the best Forest Service supervisor we've had in my fifty years where I've known him. They've all been able, but I think Jim—he's cocky. He's a little guy. He's going to have twins. He married Spike Wilson's daughter. I would commend Jim to you.

I want to back up a little bit to a statement you made a few minutes ago. You said a lot of people voted for AB413, the Sagebrush Rebellion bill, knowing that it was a nonsense bill. Do you think people voted for it only in order to get the good publicity, knowing that nothing would ever happen?

Oh, I think responsible legislators knew damn well it wasn't going anywhere. I'm not going to pick names, but what do they gain by fighting it? I didn't care. I was identified as one of these idiot conservationists, anyway, but most of the others weren't. I'll not mention any names. But I know damn well they knew it had two chances: nil and none. But it was easier to go along and enjoy the interplay, and Rhoads is a very popular legislator. Norm Glaser was very well liked; you couldn't dislike them at all. They were for it. Dean had been working on special committees for years. I wonder why the hell he's wasting his time, but maybe he had dreams about this. Dean was going around the country speaking to various groups on the Sagebrush Rebellion. Norm never did that.

We knew it was going to pass. But I could give you half a dozen names, I'm sure. It's silly, but why irritate Norm? They may vote against one of my bills, if I don't support them on this. It's not going to amount to anything, anyway, because the arguments for it, in turning land over to the state, were just totally without merit. Read that article that I wrote and you get some idea. [“Wise Use’ of Nevada Land,” *Nevada Government Today* (Fall, 1978):6-7,27.] Those figures are dated twenty years now, and the state has never been particularly conservation-minded.

When I was elected and started to serve in 1970, I found there was a period of about twenty or thirty years when no money at all had been voted for the state park system. Nobody much cared back in those days when we had 160,000 people. You could go out and camp on a creek here or there, and there wasn't a crowd, and who cared about the future? But I was concerned about the future, and I underestimated what was going to happen. I thought we might have a million five hundred thousand by the year 2020. And that was so far off, I'm surprised an intelligent person like me would ever have such a distorted idea.

When I talked to Senator Rhoads, he said he felt that the 1980 election that brought Reagan in actually hurt the Sagebrush Rebellion more than it helped.

Well, hindsight's always better than . . . They were never going to achieve the Sagebrush Rebellion, but they had a meeting out here when Reagan was running, and I think he sent a telegram, “Count me in as a Sagebrush Rebel.” Paul Laxalt, his good friend, was strong for the Sagebrush Rebellion, but Paul was kind of a disappointment, in a way. He bailed out after he was elected to the Senate; got that good job, a million a year or something, back in Washington. Paul was charming, though

I don't think the Sagebrush Rebels would have ever won. The idea is just too absurd—to think that forty-nine other states, or a majority of them, would say, “Yes, let's give Nevada all that land.” If Nevada got the land, then Idaho would want the land, and Arizona would want the land. You think the eastern states would ever support that?

Well, they talk about the equal footing doctrine.

Oh, that's absurd. There's a lot of suits that have not gone anywhere. I think they filed one in the state of Nevada. It didn't go anywhere. Equal footing? Equal footing of the thirteen original states, is that it?

With all the other states.

There's no way of getting equal. Virginia gave up part of its land to become one of the members of the thirteen original. I think some of the other states did, too. A lot of the states got one section in each township to about 1870 or something like that. Nevada was fortunate. We came in and got two sections in each township, section sixteen and section thirty-six. I think Arizona and New Mexico may have gotten four. I don't know. So, we're not equal. How can you have equality? Nevada's land . . . a lot of these sections are on top of hills or in the middle of Black Rock Desert. The purists would say, "That's not equal."

Nevada's the most arid state. You couldn't equalize Nevada with Wisconsin or Michigan or Illinois, those fertile states. They talk about it, but I don't think they have any very able lawyers that talk approvingly of it. Now, if somebody will put up some money, they can litigate. Most lawyers are willing to litigate even a losing cause, if they're going to get paid for it. I used to kid them. I said, "If you think it's such a good idea, why don't you get some of these lawyers on a contingent fee basis to represent you in asserting your claim?" They didn't think that was too funny at all. They're not going to get on an equal footing.

What's your assessment of James Watt?

James was a bright guy, a right-winger, an extremist, who had an exalted opinion of himself. He's kind of a wiseacre, which got him into trouble, eventually. This might parallel Dean's thinking to some extent on Reagan. I think Watt was probably good for the environmental side. I became president of the National Wildlife after Watt was appointed, and I spoke throughout the country on James Watt, and he was easy to talk against. How much electricity does it take to take care of a thousand Sierra Clubbers? One Watt. Watt's idea of a national park would be a paved parking lot without lines.

I think Jim was colorful, but he galvanized the environmentalists together. We were never stronger than when Watt was in there, because we had something to fight against, a very visible something to call us the troops. But as I say, he was bright. He was kind of a religious nut. Didn't he get into some trouble after he left on a fee that he got out of some deal involving somebody who wanted a favor from federal housing? I say that with some trepidation. My memory isn't as good as it used to be, but Jim has disappeared. I don't know where he is.

He started to go down the Colorado River, and after about two days he asked to be set aside. He wasn't for all that nonsense of rafting down a river. He was not without some ability, I will concede that. But he helped the environmental movement. I don't know what he did behind the scenes. Some say that he was responsible for changing some of the regulations. If that's true, it might have some long-range impact, but I really don't know of any long-range influence that Jim Watt had.

Have you changed your position at all in the last twenty years on the issues?

Oh, that's a hard question. I think you can't be so inflexible that you're not adapting to changing circumstances, but I think, basically, my position is still pretty much the same, that we've got to take a long range viewpoint. We have about two hundred and sixty million people in the country now. We'll probably have three hundred million or three fifty. But I think we've got to look on our resources as something that we've got to husband for what the long range needs will be. We've got a forty-hour, thirty-eight-hour working week now. With the marvels of technology and energy, maybe that will go down to thirty hours. We'll probably need more space for recreation. It's hard to look too far in the future, but I think we have to be flexible.

One thing we know for sure is that we're not building any more land. We're probably not developing much more oil. Who knows what's going on beneath the ocean in the passage of time, but it's been around what, five billion years, something like that?

We've got enormous problems internationally. We're not controlling what's going on, for example, in Iraq. The United States is pretty much the peacekeeper right now, but you look back on history, and Rome lasted for what, six, seven hundred years? And they finally fell. How long can we last as a dominant force? I don't know.

So I think, basically, my philosophy's pretty much the same, the wise use of our resources, but somebody else might have a different viewpoint. They might be more objective than I am in assessing my own philosophy.

Do you think that the Sagebrush Rebellion left any kind of a mark at all on public land management policy?

Oh, it would be hard to say that there's been no mark left. I think it's made bureaucrats more cautious, which may not always be advantageous. I'm sure in the old days, when McCarran was all-powerful and damn near abolished the Bureau of Land Management at one time, public servants were much more cautious about challenging anything.

Say, if a stockman overgrazed or didn't get his cows off, if the supervisor out here were so indiscreet as to contact McCarran in protest, the stockman probably would have contacted McCarran, too, and the public employee might have found he and his family were suddenly transferred up to northern Idaho.

That sort of thing happened, but that's back in the days when the stockmen had more influence. They don't have that now, because they don't have the numbers, and the livestock industry is not important. Oh, it's important, but not relatively speaking to, say, gaming and tourism.

What was it that made McCarran go after the BLM? Was it just simply the political power of the stockmen?

Oh, I think to a large extent, and he was from a farming family. There's a McCarran Ranch on the lower Truckee. I presume it's still in the family. Pat was elected when—in 1932? Somewhere back then. The livestock people had always been a dominant force in the state before reapportionment. They still have been a dominant force, but I think they're losing their strength. Even in Elko County, which is a place where they have no statues of me, I thought I would lose in the last election. Steninger came out very strongly opposed to me. I actually carried Elko County, and I had written it off, because I knew that there were certain elements up there that did not approve my political philosophy. [laughter]

I was over in White Pine County, I think, when I first ran for supreme court. Out in cow counties, you go down to the fairs and pass out cards and shake hands and try and let people see that you're really a nice guy, and you don't have a forked tail and horns and all that sort of thing. That's kind of fun. I gave a talk to a fellow who, I think, was a cowboy over in White Pine County at the fair. Or maybe it was Elko; I don't know which one. But about a half hour later he hunted me down, and he said, "I didn't realize who you were. You're Cliff Young." He said, "I can't take a card from you." I thought that was kind of funny.

But I used to go deer hunting with some friends here in Reno. We'd generally go up to Elko. We like that area. And they used to joke that they'd just as soon I would sit someplace else in the restaurant or in the bar than by them.

But it's a sincere position that they have. If I owned cows and had a ranch up there, I'd probably feel somewhat like they do. But I didn't, and times are changing. They've changed in Elko. You had heavy influx of miners up there—one of the great gold-producing regions. But right now there are a lot of unemployed up there, and I worry about what's going to happen in Elko. Can they bring something in to provide jobs? Certainly, livestock is not going to provide jobs. I've got relatives up in Elko. Some of them view me like a bastard cat. Some tolerate me. But it's just a way of life. As I said, the blacksmith shops up in Elko aren't as numerous as they used to be, and times change.

So, you might almost sum up the Sagebrush Rebellion, then, as a class of lifestyle as much as political philosophy?

Well, to some extent, yes, but I think it's sort of a last effort by a lot of sincere people who see their lifestyle changing, their influence being diminished, and they want to assert their position. But it's a rural thing—you never had any great movement for the Sagebrush Rebellion in Reno. Do you recall any clubs for the Sagebrush Rebellion at the University of Nevada? And Vegas? If you talk about the Sagebrush Rebellion, somebody would say, "What in the hell are you talking about? How did the Fortyniners do last night?" I mean, it's not a big thing. Sure, it's big up in Elko, because you've got the Steningers in the newspaper promoting it. You've had some politicians, county commissioners, and so forth, who live sort of in the past, and they hate to see the influence of the cow counties diminished.

But that happened with reapportionment. The die was pretty much cast when the supreme court said, "You cow counties don't get one senator each. You, Dean, now represent what—five or six counties?" And Dean's a good representative. I like Dean. But times change and you can't live in the past.

My own philosophy may have changed. I don't know. We're never a good judge of our own position, but I think pretty much it's consistent. And it's a wise use of our resources, depending on the time and the circumstances. I don't know how the latest outburst is going to be, but [from] what I've seen in the paper, I can't imagine that the cowboys are going to come out ahead on this, and I've run into this problem elsewhere.

In my own county of Pershing, I carried that very handily, generally, but the last time I ran against Alan [1956; U.S. Sen. Alan Bible] I lost it, and the reason was the editor of the paper up there didn't like my stand on setting aside some land for aerial gunnery. I had supported the Navy, because I felt that was preferable to spending thirty million to fly down to Tonopah—if they could come over to the area west of Lovelock, the Black Rock Desert, and use it four or five months, or six months a year. But trying to be a statesman there was not a good political move, and I lost the county.

My mother worked for him in the paper, and he was saying bad things about me, and, of course, you know how mothers are. She refused to speak to him again. They belong to the same church. I don't

know if there are more than two members in the church. Well, there are a few more than that. But hell hath no fury like a mother whose son has been criticized by a small-town newspaper.

So you can't always be a statesman if you want to be politically successful. I think it's just another episode. Will there be any more? I don't know. As long as there are Steningers around and newspapers who will champion that, sure, there may be more attempts. There'll be new people coming along. The players now, I think, for the most part are different than they were twenty years ago.

I'm not sure Dean Rhoads is solidly behind this. He might not say so publicly, but he's a pretty sound sort of individual. And Norm—I don't know whether he's taking an active role. I haven't seen his name mentioned at all. Fighting over a mile and a half stretch above a creek in Nevada where there's a bull trout doesn't seem like a major issue to me. Frankly, I'm surprised that John Carpenter would get so deeply involved.